

City Council Work Session Transcript – 11/28/2023

Title: ATXN-1 (24hr)

Channel: 1 - ATXN-1

Recorded On: 11/28/2023 6:00:00 AM

Original Air Date: 11/28/2023

Transcript Generated by SnapStream

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[9:00:41 AM]

I'll call to order the Austin city council for this work session. It is November 28th, 2023. It's 9:00 in the morning. We are meeting in the city council chambers located in city hall at 301 west second street in Austin. And we have a quorum of the council present members and public the way we're going to proceed is we're going to go ahead and start with the work session. When a quorum is present for the Austin water oversight committee, we will receive this the work session and have the water oversight have council member pool, who's chair of that committee, called to order that oversight committee. They will hold a very brief meeting and then we will come back to the work session. So just be prepared for us to stop when we get to that, what we're going to do first is we will take up to briefings. One briefing is related to the home

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briefing is related to the home initiative. The second briefing is related to winter preparedness and then there have been a couple of items that have been pulled. And we will take those up the way this morning. Will also probably operate is that because of a commitment that I have, I will turn the gavel over the virtual gavel over to the mayor pro tem, actually see that she's joining virtually. So I will turn the gavel over to council member pool to preside over the meeting when it's when I have to leave. So with that, I'll turn to staff. If yes, councilmember fuentes, can you remind me which items have been pulled for today?

>> Items item 21 and item 84 have been pulled. Okay is one of those related to the urban trails? Yes okay. Thank you.

>> All right. Whoever is going to start the staff presentation on the home initiative, I'll

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on the home initiative, I'll recognize you.

>> Yes.

>> Assistant city manager veronica briseno.

>> Thank you, ma'am.

>> Good morning, mayor and council. Veronica briceno, assistant city manager. Happy to be here with you today. Today staff will be presenting to you an update on the home initiative. As you know, this is something that we have been working on for the past several months. It is following through with a council policy and priorities. We now are here before you with planning commission recommendations as well. We've heard numerous points of view as we've gone through this process, all of them legitimate and staff has worked tirelessly, tirelessly to bring this forward to you. So would like, as a personal point of privilege, take an opportunity to thank our staff, our multiple departments. Yes, you'll see a handful of them here today. But just know they stand before many. So thank you to our staff for your your your efforts. We'll give a brief presentation. We want to update you on where we are now from the last time we were before you about a month ago, followed by our staff presentation, we will hear from the from the American

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hear from the from the American institute of architects who will present modeling on what potential scenarios could look like with these amendments. We look forward to hear from you. Any potential council amendments that you'll be bringing forward, this will allow us the time before we get to our meeting next week to take those amendments and draft some language that you have something to consider on the seventh, on December 7th. We also encourage you to continue to use the question and answer portal. Hopefully this has been been been beneficial to you. It has to us. We've had about 100 questions so far and again, staff is working hard to provide you the information that you need to make these important decisions. So without further ado, I'm going to turn it over to our assistant director over planning, andrea bates, and she will walk us through this presentation, if you don't mind, what we might do is we now have a quorum of the water oversight committee.

>> So just before you start and we might take care of that and get that out of the way, and without objection, I'll recess the work session of the Austin city council.

[9:10:51 AM]

>> Thank you very much.

>> I'll call back to order. I'll tell you what, folks. You left one of your posters so you get make sure you get that and then I'll call back to order the Austin city council for the work session. It is 9:11 a.m. And we will go back to where we were with staff making a presentation

[9:11:51 AM]

with staff making a presentation .

>> Good morning, mayor, mayor pro tem and council members. I'm andrea bates, assistant director for the planning department. I'll be giving an overview of the proposed changes to residential uses and standards in the land development code, including the code amendments related to the home initiative council received a full overview of this proposal during the joint meeting with the planning commission on October 26th. So I'll be focusing on some of the changes that planning commission recommended when they reviewed the proposal on November 14th. The proposed code amendments respond to the direction set by three recent council resolutions as a refresher, this proposal would do the following. It would allow up to three homes on property, zoned single family or sf1 sf2 and three it would

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sf1 sf2 and three it would simplify some of the existing regulations for building two homes. It would remove some accessory uses that are no longer needed in the code with the other changes, it would limit the applicability of the standards in subchapter f, which are often called the mcmansion standards as two lots, with only one home. It would allow tiny homes that meet certain standards to be considered a dwelling unit, and it would remove the limit on the number of unrelated adults allowed to live together. Some of the primary goals for these code amendments are to create more housing options that are affordable to middle income earners, to give homeowners options to house a family member or to earn passive income on their property, to increase housing supply and to promote smaller, more energy efficient homes. Some of the requirements that apply to sf1, psf2 and psf3 properties today would continue

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properties today would continue to apply under the proposal for example, a property might have site specific constraints like protected trees or other limitations like deed restrictions or restrictions that may limit the number of units that can be built on that site. All three Zones would still have the 35 foot height limit for the zone and building cover and impervious cover limits would continue to apply. This is an overview of the code amendment process. As you know, there'll be three public hearings on these

proposed amendments. The first was the joint meeting of the planning commission and city council on October 26th. On November sixth, staff held an open house for members of the public to learn more about the proposal on November 14th, the second public hearing was held at the planning commission meeting. The planning commission voted to recommend that council approve of the

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that council approve of the proposal with a variety of amendments. And finally, the council will hold a public meeting at a public hearing at a special called meeting on December 7th. The planning commission recommended 22 amendments to the proposal when they reviewed it on November 14th. I will highlight some of their proposed amendments in this presentation, but the full list is available online. It is posted as backup both for the November 14th planning commission meeting and for the December 7th council meeting. The first planning commission recommendation is to set a floor to area ratio maximum for two and three unit developments within the mcmansion area for a floor to area ratio or far maximum is a way to regulate the mass or the volume of a building on a site. It is calculated by

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on a site. It is calculated by dividing the total floor area of the building or buildings by the area of the site itself. As a very simple example, for a 10,000 square foot building on a 10,000 square foot site, has an r of one, a 5000 square foot building on a 10,000 square foot height site excuse me has an r of 0.5, a 2500 square foot building on a 5000 square foot height. Also has an r of 0.5. So if you have an r maximum or a set ratio, the size of the building that you can build depends on the size of the site that you take the site size times the ratio and that's the size of the square footage of the building allowed under the maximum. So the planning commission recommended for maximums for two and three unit developments in the mcmansion

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developments in the mcmansion area, which is the area shown in brown in the map on the slide, they recommended a layered approach and maximum for all of the buildings on a site as well as for maximums that apply to the largest individual unit that regulate the size of the largest unit on the site. And for three unit development and maximum that limits the size of the largest two buildings on this distributes the square footage among the buildings on the site. And the reason behind this layered approach or setting a maximum for the largest unit is to close a potential loophole and ensure that you can't develop one huge unit and two tiny units like a giant house and two tiny pool houses that aren't really intended for occupancy. So the goals of having an r maximum are to limit the size of the individual units

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the size of the individual units while still encouraging the development of multiple units on one site by giving additional fa for properties with additional units, both of these goals support the direction in the council resolution. This table does some of the math for us. It calculates the total square footage of development that can be built under three different fa limits for three different lot sizes. For the purpose of this is to convert the fa limit which is abstract to the potential size of a building in square feet, which many people have a better sense for. So to break that down and start with the three fa limits you see in today's code residential development in the mcmansion area has an fa limit of 0.4 for that 0.4 maximum would continue to apply to single unit

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to apply to single unit development in the mcmansion area, but it would not apply to 2 or 3 units as the proposal that you saw on October 26th did not have an fa maximum for 2 or 3 units. The planning commission recommended a 0.55 fa maximum for two units and a 0.65 fa maximum for three units per site. That would be the total amount of development for all three units or two units on the site. So a lot sizes this table includes three different lot sizes to show you what those fa maximums would translate late to for different lots in town for the 5750 square foot lot is the minimum lot size for psf2 and psf3 Zones are 8000ft s is the average lot. Size and 10,000ft s is the minimum lot. Size for sf1

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is the minimum lot. Size for sf1 . But the point of the table is to calculate the total square footage allowed under the different fa maximums. So I'm going to focus on an 8000 square foot lot because it's the average lot size. So under the current mcmansion standard as a single unit on an 8000 square foot lot, it could be. Two 3200ft s in size of gross floor area. So a 3200 square foot house under the planning commission proposal, a two unit development could have 4400ft s of floor area and a three unit development could have 5200ft s of floor area. So that's fa the planning commission also recommended some design standards be added to the

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standards be added to the proposal. The recommendations include standards for entryways, driveways and garage placement that would apply some existing code provisions to two and three unit

developments, and staff recommends that we start with these, but then reassess the design standards after a comprehensive analysis and additional modeling during phase two, the first recommendation is that the entryway of at least one unit on a multi unit site must face the street. This is to help activate the street front by ensuring that at least one front door faces the street. The second recommendation is to limit the amount of pavement that can be in the front yard area to the area between the front lot line and the building line. You can have no more than 40% impervious cover. That minimizes the impact of driveway or driveways and helps create a more pedestrian friendly

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more pedestrian friendly neighborhood. The third recommended design standard relates to where a garage or carport is located in relation to the house. A garage cannot be located closer to the street than the front of the house. It can't be in front of the front of the house and the width of the garage is limited. If it is not at least 20ft behind the front of the house. This minimizes the visual impact of garages and again helps create a more pedestrian friendly neighborhood. Next the planning commission recommended adding something called a preservation bonus to the proposal. The purpose of the preservation bonus is to help maintain older or potentially more affordable housing stock to help preserve the look of existing neighborhoods from the street and to reduce demolitions and keep housing materials out of the landfill. A development

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the landfill. A development could use the preservation bonus if it preserves a structure built in 1960 or earlier to press. Renovation in this case means preservation of 100% of the facade or the front of the structure. And preservation of at least. 50% of the existing structure. So all of the facade and at least 50% of the structure as a whole, if those requirements are met, the preserved square footage does not count towards the far limit of the site staff has some implementation concerns regarding the preservation bonus if it is used on a wide scale, it could impact the review processes in the development services department. We are looking at it currently and working on an approach, but there are several challenges that we are still working through at this time. The planning commission also

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planning commission also recommended a companion sustainability bonus. The goals are very similar to maintain existing potentially more affordable housing stock to reduce the greenhouse gas emission caused by new construction, by reusing existing housing stock and reducing demolitions and keeping housing materials out of the landfill. The sustainability bonus applies to more recent development than the preservation bonus. A development qualifies if it preserves a structure that is at least 20 years old.

But built after 1960, which is that threshold for the preservation bonus and the preservation standards are a little simpler. It simply requires preserving at least 50% of the existing structure. There's not that emphasis on the front facade. It's just 50% of the existing structure. And if that requirement is met, the incentive is that the square footage of the preserved area does not count towards the limit on the site. I will quickly

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on the site. I will quickly mention a few of the planning commission's other recommendations. They recommend that some garage space be exempt from the far maximums, which is similar to how the calculation is currently performed under the mcmansion standards. They recommend and that the previously included 1100 square foot size limit for the second unit in a detached two unit development. Be removed. This would be replaced by the suggested limits for the two and three unit developments. They recommend some changes to front, rear and street side yard setbacks to allow additional flexibility. The front setback could be averaged based on nearby existing building setbacks. So if your neighbor's houses are closer to the front of the street, your house could potentially be closer to the

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potentially be closer to the front of the street. The rear setback could be reduced in certain conditions, like if the property is adjacent to an alley or a non-residue special use. And then they recommended that the street side yard setback be reduced to ten feet on corner lots for these properties with multiple units. All of these recommendations would apply only to lots with 2 or 3 units, they would not apply to lots with one unit and finally, the planning commission recommend that these changes become effective 60 days after final adoption to allow time to prepare for implementation. We continue to encourage the community to visit the project website to learn more about the proposal and to stay up to date as it continues through the review process. The website includes a summary of the proposal and the draft code language. It includes a video of staff's presentation from October 26th, which went into more detail on the original proposal and the difference between today's code and the

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between today's code and the changes. The website includes answers to frequently asked questions and provides information on how to provide input and how to protest the changes. Community members can submit questions or comments to staff via the website or via the email or phone number that are on the screen. We are responding to questions and any comments submitted were provided to the planning commission and will be provided to council for your consideration. Thank you very much. That concludes our presentation and mayor just manager.

>> Yeah, and andrea was being perhaps a more subtle than I would like. There are some recommendations that were made by the planning commission that when we do the analysis between now and the 7th of December, you may find us saying that we don't think those are consistent or compatible with your the goals and objectives set out by council. So we don't have that list on today. I think we agree with most of them, but there are

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with most of them, but there are some that are problematic and would explain why they're problematic. Prior to you because you'll take that ordinance with all its amendments and we'll be asking you to think through whether you'd want to amend the or accept those amendments, given those constraints that we may be able to explain. So great.

>> Thank you, members. We hang on a second. What we're going to do is allow for some questions and then we're going to have a presentation from aia. As I understand it, and then we'll allow for questions. Then you may want to hold your questions until after the presentation, but that's up to you. Whatever you want to do, whatever the council members want to do. And then I will ask that we do, if you have amendments that you know you're going to present next week as part of this, we had discussed that we would try to lay those out at this meeting. And so that people would at least know what everybody was kind of thinking about. Some of those things. Councilmember allison alter, thank you. >> I'll hold most of my

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>> I'll hold most of my questions until after the a presentation, but I did want to get further clarification from the city manager on the timing of when we would be seeing the staff recommends motions.

>> I mean, I think we're working through we're waiting for the discussion for today and then we're doing the analysis. Now, there are some that that are we're in analyzing now in terms of where we would land. We don't have that done yet, but you'll see it in the proper standard in terms of when we'll get it to you when it is, we're set the agenda for the seventh with plenty of time for you to review what those recommendation is. Okay.

>> Well, the agenda is already out for the seventh and it's nine days away. And there are you know, I'm just trying to understand when we can expect this because we are very, you know, important.

>> And my guess is by Friday. Okay

>> Thank you. Mayor.

>> Council trish link with the law department. The I've done a municode version, so our informal version has been submitted to the agenda office so it can be posted as soon as the agenda office is ready to do

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the agenda office is ready to do that. And then the formal ordinance, we will have to the agenda office by Thursday morning at the very latest.

>> Thank you. All right. Why don't we have the presentation from aia.

>> Good morning, council members. Thank you so much for the opportunity to speak today. My name is Lucy Baig and I'm an architect here on behalf of Austin's housing advocacy committee. We're a group of practicing architects working on housing at all scales and income levels in the city with a lot of experience of how Austin's zoning codes impact what types and sizes of homes we build. We've spent many hours modeling the potential outcomes of the home phase one draft, and here this morning to share the

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this morning to share the recommendations that have emerged from those efforts. We're actually going to present the same material as we did at the planning commission hearing. But also include some commentary as it relates to the amendments that were proposed by planning commission Ann and if it's been touched on by staff, I'll kind of skip over that. Our group is motivated by our shared frustration with the limits that current residence zoning imposes on housing choices in our neighborhoods, particularly when it comes to smaller homes. We applaud the intent of the home initiative to address these issues and are eager to make sure the details of the policy work in support of its goals. So let's talk about home sizes. Prior to the adoption of our current zoning standards in 1984, home in Austin averaged around 1500 square feet in size and almost 1 in 5 of those were part of a duplex trip or fourplex. After our current zoning was put in place, restricting large areas of the

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restricting large areas of the city to single family homes on big lots, those unit sizes began to increase. This chart shows how the average home built since 1990 is almost 50% larger than the average built prior. And how just a fraction of those less than 3, have been within two, 3 or 4 unit buildings. This slide shows the number and sizes of houses permitted in the last decade in Austin, over 75% of the new homes built in our neighborhoods in that time exceeded 2000ft² in size, almost directly in opposition to the ratio prior to 1990, we are actually adding homes greater than 5000ft² to our housing stock at a fast rate than homes under 1000ft². This phenomenon is being driven by the collision of our 1980s zoning standards with today's high land costs. While our minimum residential

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While our minimum residential lot size is 5750ft s. As staff pointed out, our median lot size is much larger at almost 8000ft s. Older neighborhoods tend to have averages below that , while neighborhoods built out after 1950 tend to have lots larger than average with entitled counts limited to two dwelling units on most residential lots and with many restrictions on the size and configuration of the second unit. The most common development outcome today is a single house that's as large as possible, up to 40% of the lot size to make the economics work. Put simply, our current residential zoning has a big house bias, producing units that on average are 20 800ft s. Today at the same time, what housing options have we been editing out of our neighborhoods? Our unit restrictions and setbacks make it impossible to build developments like this one that was constructed in my neighborhood of cesar chavez in

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neighborhood of cesar chavez in 1926 and renovate did a few years ago. These three livable, small houses on a 9600 square foot lot each have a front porch, a small private backyard and an off street parking space. They're owned by a young couple, a single dad and an elderly retiree who all enjoy the benefits of our high quality neighborhood life in an area. They totaled the same square footage that today you would only be allowed to build as one or maximum two houses to meet the home. Initiative's goal of giving smaller homes like these a bigger chance. In Austin, we believe the details are critical , and the following are our recommendations about how the home ordinance should be fine tuned to better meet its goals. And this is where I'll include our commentary on the amendments . So our first recommendation was to further increase the flexibility within the two unit use and this was we've done a lot of that already in the text with the reduction of lot sizes

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with the reduction of lot sizes for duplexes, removal of a common wall mandate, loosening of location requirements, we further recommend that the 1100 square foot cap that applies to detached second units be removed board and planning commission captured that in their amendments. Our second recommendation was to create a new floor area ratio tool for two and three units, and this had several components to it. The first was to create an fa cap for each use and again, staff talked you through the planning commission amendments that capture that. And the second was to invent incentives for construction of two and three units by modestly increasing the total allowable fa for more units and again, planning commission captured that in their amendments of graduating from 0.55 for two units to 0.65 for three units. And that followed our recommendations to set a maximum size limit for a single unit.

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size limit for a single unit. Again when that was captured in planning commission amendments. We do have one very small detail to comment on. Their planning commission have recommended that within three unit uses the two unit max be limited to 0.5 rather than 0.55. We think that's an unnecessary complexity and that it should just be kept at 0.55. And then finally we propose we recommended including garages and carports in the floor area definition. And this is where we're at odds with what planning commission has recommended in their amendments and it's a little bit tricky, so bear with me as I try and explain our position on and so currently subchapter f includes parking structures, garages and carports in their definition of floor area. But they provide some exemptions and those

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some exemptions and those exemptions are 450ft² for a detached garage in the rear of the property or 200ft² for an attached garage. That's within the structure. However, when we take two and three, unit uses out of subchapter f, we use the city's general floor area definition and that excludes parking structures altogether. So if we just use the city's floor area definition Ann, then garages and carports would be exempt from the fa limit it. We think that would increase the amount of built area on the site and incentivize autocentric development and so we're against that. What what planning commission did is they took the subchapter f exemptions for 150ft² for detached garages as 200 for attached, but they've applied it on a per unit basis

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applied it on a per unit basis rather than a per site basis. So essentially what they're granting, they're proposing to grant is greater for parking structure exemptions than subchapter f currently allows us. We're we're are opposed to that for a couple of reasons. We think that works against the goal of the home ordinance to produce smaller structures and we actually already captured those parking exemptions in our proposed gradient of 0.550.65. Those were meant to factor in those areas of garages and a couple of other thing reasons we're opposed to that is we think it works against the goal of simplifying permitting processes. We know that getting rid of the subchapter f helps relieve free up review time for exemptions. This creates additional exemptions that have to be documented and reviewed. And like I said, it reinforces the bias towards autocentric design. It incents advises

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design. It incentivizes developers who build garages but gives no equivalent entitlements for those who want to be incentivizing car free or car light lifestyles. And finally, I'll get to this in a second. We think it removes some of the teeth of the preservation incentive by giving increased floor area entitlements that make it harder to get above that with the preservation incentive. I know that's a lot of information, so we're very happy to kind of follow up and with with questions. We support relaxing front yard and street side yard setbacks and that's to just give more area to be able to accommodate the configuration of multiple units. That's what planning commission has suggested is allowing for front yard averaging, which is what subchapter f does. We would prefer to just have a single reduced front yard setback of 15ft front yard averaging is a very tricky, expensive process

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very tricky, expensive process that involves surveying and additional costs and depends on what your four neighbors happen to be. And we think it would be simpler just to reduce the front yard to 15ft. The street side yard right now is 15ft. And planning commission proposed reducing that to ten. We think that could go to five feet without any negative impacts on neighborhood design. And finally, our fourth recommendation was to adopt a preservation incentive plan. And commission amendments have done that. That was mostly designed by preservation Austin and we support that. We will caution that because we've got increased entitlements for three units of 0.65, it is going to be challenging to get additional floor area while keeping existing structures without increasing impervious cover. And again, unfortunately we don't have any graphics of that. But I

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have any graphics of that. But I think the best thing that you could do to give the preservation incentive more teeth would be to allow a bit more impervious cover. And as and one thing we'd also love staff to clarify is whether, as we understand it, the preservation incentive would allow an additional unit for units didn't see them mention that in their presentation. So that would be great. To clarify, I and I'm going to pass it over to my colleague chris gannon, just to get into him some of our details a little more. Thank you for your time.

>> Good morning. Hi. I'm chris gannon. Thank you for your time this morning. I'm the incoming co-chair of aia's housing group. I'm going to jump right in to brief look at some changes that Portland has taken. This is Portland's residential infill

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Portland's residential infill project and some graphs that we got from there. One year report, their residential infill project is very similar to the home initiative. There allowing a new missing middle housing typology and those are the ones that have been in decline that Lucy looked at since the 90s. They're allowing adus all the way up to six plexes so it's a little bit more intensive than what we're doing. The year following the adaptation of this policy saw a dramatic uptick in the construction of this. This middle housing with nearly three quarters of the units in fourplexes. So that's what this graph here is showing. So Portland added an fa cap to their single family homes as well, and they stepped that fa 0.1 per unit, which is what we're looking at as well. We looked most closely at there are seven lots as they're most

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seven lots as they're most aligned with Austin's lot size. So so under this program they found that by increasing the fa 0.10 per added unit, they were able to both encourage more units and those units on average were smaller for in their report. They have, some interesting numbers. I encourage everyone to look at this report. The, the lot size or the unit sizes under this one. Their program versus the units being sold outside of it were on average about \$100,000 less. We didn't do any financial modeling in our stuff because we're, we're, we're architects and we're looking more at form. But that's an interesting and, and helpful metric to look at. So our modeling, which was independent of Portland's report, found that the same thing and cap with a gradient would incentivize more units and on average these units would be

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average these units would be smaller. I want to note that Portland does include garages in their fa, so that's an important thing to remember. Okay. So we looked at several gradient increases and we believe that the 0.10 works for Austin. Our starts at 0.55 for two units and goes to 0.65 for three. This is crucial to understand that under subchapter f our our single family homes are capped at 0.4. But what's actually being built is on average 0.45, and that's to accommodate the all the exemptions that are built into the mcmansion ordinance. That's an attic exemption. That's a the garage exemptions and the basement exemption as well. So looking at the data, the average single family home is being built around 0.45. We stepped it up 0.1 from that. So the point

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up 0.1 from that. So the point five five and the 0.65 includes the exemptions previously granted under subchapter f. So we modeled what this might look like. The first part, the first model, right there is a single family home. And that's the point four plus the exemptions that are granted under subchapter f.

So you get about 0.45. The next two models are the 0.1 step up from that. So 0.55 and 0.65. If we were to include the subchapter f garage exemption into two and three units, we would not be getting 0.55 and 0.65 anymore on an average lot size. We would be getting closer to 0.60 for two

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getting closer to 0.60 for two units and 0.73 for triplexes. That's with the 200 square foot of additional garage space that's built into that. So we like Lucy said, we support capping the of a single unit in a multi unit development, as without, without this guardrail we might see stealth McMansions. That's kind of what this model is showing. That's that it's like a tiny pool cabana with one giant house. The cap on two units. We could see that being helpful if someone was to design a three unit development and then decide to only build two. But we think that that cap for three units should be 0.55 just to align with the cap on the point on, on the two unit. And we support the preservation Austin's recommendations for the

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Austin's recommendations for the preservation incentive. It's a delicate incentive. And, and really dialing in the cap on the two and three units will help bolster what preservation is doing, which I think is an important and meaningful issue here. We do support reducing the setbacks and encourage this resolution go further than the front yard averaging. It, it can be expensive and time consuming. Like what Lucy was describing and it relies on luck if your neighbors are built close to the yard, then you get it. If your neighbors are not, then you don't get it. So historically, houses were closer to the lot. Line and also the utilities are typically closer to the street as well. So we'd be reducing the , the distance, the sewer lines. We would like to see the front yards reduced to 15ft and street

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yards reduced to 15ft and street side yards, reduced to five to allow for greater flexibility in placing the additional units. And we'd like to see all properties get this benefit, not just the ones in, in older neighborhoods. This will be simpler to implement, but it will spread the benefit more equitably and it will encourage development patterns that reflect the traditional central Austin neighborhoods. Finally, we do need to see that parking structures are included in the definition of far the .05 bump from 0.4 for the single family home is reflective of actual current conditions that include construction of garages. We are not removing this far, but we're asking for more freedom of its use. This slide kind of illustrates that the first image in the top left corner here is what's currently being built under subchapter f, the blue is the 0.4 fa and the yellow is the exemptions. If you add all that up, it averages at 0.45. We've

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up, it averages at 0.45. We've taken a 0.1 step from that number to get the 0.55 of two units and the 0.65 of three units. If we add more exemptions to it, we are again exceeding and we're, you know, we're double dipping into the far. Thank you for your time. That's the end of my, presentation.

>> Thank you, sir. Councilmember fuentes, I'll recognize you for questions.

>> Thank you. If you could stay, sir, my questions are regarding your presentation. So I didn't catch your name. Thank you for the modeling. I think having those visuals is super helpful. And you know, seeing what the exemptions are and what the potential could be with the home initiative is one thing I just wanted to highlight from your presentation is, you know, we're getting a lot of questions from the community regarding, you know, how can we ensure that multiple homes would be built on this, on this lot? Can you speak a little bit about the Portland

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a little bit about the Portland example that, you know, they changed their zoning capabilities and did changes to their the Florida area ratio requirements? And based on what you presented today, we saw multiple smaller homes being built with an average paige price of at least 100,000 less. Is that right?

>> Yeah. I encourage you to go dig into the report they just released it. It's their one year report from implementation of their residential infill project program. And, and it's great. It shows us what had been built previously and then what was built under the rip the residential infill program. They have more metrics than what I included in my presentation, including pricing data which didn't really want to touch on. But they're showing that the units that are built outside of their their cap previous to the implementation were on average

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implementation were on average 100. It was like \$117,000 more than the ones built under the residential infill project. And that's because they allowed more units. But, but they capped the developmental, all the developable area with their cap. So it produced more smaller units and it showed that the most popular typology was a fourplex actually, which is interesting. It three quarters of the, of the new development that was going on in Portland after this thing passed was this missing middle typology. And of that three quarters was a four plex good deal.

>> And then my one request is if we could have both of the and your presentation email to us, I think that would be helpful. Thank you for sure.

>> All right.

>> Councilmember whalen and councilmember allison alter and going on the Portland, did look at that report that they had. >> And honestly, I think

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>> And honestly, I think Portland is a from a housing point of view a small lot kind of middle missing housing point of view is a is a great example. But my understanding is that Portland built about but I think there were about 700 units or so created under the newly instituted rules. Can you can do you remember what that actual number can you confirm what the total number was?

>> I can't I don't have that information.

>> There was one on your slide because you were saying about like, I think 300 or so was. Yeah again, just to point out that, I mean, Portland is about a million people. A relatively I mean, we're talking about 700 units in a city of a million people, which again, is an important but but relatively modest impact. Again, just know that there's these kind of, you know, fears out there about wholesale kind of changes and the communities that have taken these kinds of steps have seen more modest changes. And again,

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more modest changes. And again, I would go back to our adu example where in believe 2015, the city council legalized adus and we've seen them in a tiny fraction of lots where they're eligible, you know, very few. So anyway, I just wanted to, to, to, you know, point that out about, about the important. But really actively modest impact that the Portland zoning changes had. In a semi-related question do you know what the fa is in mueller.

>> I do not know.

>> I don't because I've been in discussions around this, you know that is kind of our template that, that, that, you know, missing middle.

>> The grouped houses, the kind of different ways that that the neighborhood is laid out. We're really looking to kind of export some of that housing typologies into some of our other neighborhoods. And my understanding was that the mueller fa and again, I wish was

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mueller fa and again, I wish was around that kind of like, you know, point seven or, you know, 0.65 area. I don't know if either of you all can speak to that.

>> My understanding is that mueller doesn't have fa restrictions.

>> However, they have 40 pages of design standards that heavily regulate what gets built there and much smaller minimum lot sizes is down to 1500 square feet. So that I think that it produced is on average around 0.7 fa, but again, if you think about that, those are on much smaller lots, so you tend to get smaller sizes and they have a lot of regulations. They have much smaller setbacks, sometimes as little as five foot front yard setbacks. They mandate garages in the rear, but that's because there's a lot of alley access and they have height restrictions. So there are a lot of things that govern how houses

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of things that govern how houses are built in mueller. But interestingly, I don't believe there are fa caps just because of how the other regulations work together.

>> Got it. Well, thank you. And with regard to the setbacks, what is the justification for, you know, the 25 foot setback of 15 foot on the side setback again mean I know a lot of folks really like you know that kind of a large expanse of green green grass you know in front of their house on the side of their house. But I mean, what why did we choose such such large setbacks? Do y'all have any ideas on that?

>> I have. I have ideas.

>> And it's not great.

>> You know, if we go back to, the origins of zoning, if we take it all back to euclid, lot sizes have predominantly been

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sizes have predominantly been used, used as a form of exclusion. So where do we get our why is our lot size 8000ft s? There's been studies that show, 8000 was the tipping point on what sort of the affluent could buy. So how do you justify 8000ft s? You have to say you can't build on half of it. And when did we implement our 8000 square foot lot sizes? Is in 1948. And what else happened in 1948? It was the when we no longer allowed racially exclusive. Deed restrictions. Yeah. Deed restrictions. In 1948. Our lot size used to be 3000ft s, and then we outlawed racially exclusionary deed restrictions, and we opted to 8000ft s. So if you're asking me, I think that the front yard setback is not, it wasn't put

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setback is not, it wasn't put there in the best interest of everybody.

>> Well, I appreciate that. And I will say from an esthetic point of view, I really like neighborhoods where the homes and the porches are a little bit closer. I mean, think about honestly, the parts of older Austin where, you know, I mean, think about even like a hyde park where, you know, the homes are really kind of right up, you know, ten feet off the curb, you know, something like that. I think about a like a New Orleans or, you know, I mean, a galveston even like a lot of the cities that I find. And I you know, I can't speak for everybody, obviously, but that many people find that to be the most attractive and the most walkable, have relative small setbacks.

>> We wholeheartedly agree. And this isn't a mandate to get rid of front yards. If you want a front yard, it's absolutely your yard to have.

>> And that's a good point because if you want a 25 foot setback, you can have a 25. No

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setback, you can have a 25. No one's preventing you from, you know, setting your house like all the way to the back, kind of hidden in the back. That's a that's a very good point.

>> I would I would also add that having the 25 foot setback mok front yard, foot setback sort of forces you to split your lot in two. So you have a back yard and a front yard. But if you relax that, then you're allowed to have one big back yard or one big front yard. You can actually do more with the space that you have.

>> Appreciate that. Thank you, mayor.

>> Thank you. Councilmember allison alter.

>> Thank you. I think I have. I have some questions for staff, but let me start with one for you all. First of all, thank you for your modeling and appreciate it. Your goal of, of helping us to, to structure this, to have smaller houses than where this originally started. I wanted to ask how, how you think this proposal will get rid of the stealth mcmansion? I'm very concerned that we're adding all

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concerned that we're adding all this additional far and in my district we're just going to get bigger houses. And you can do now because the mcmansion rules won't apply and people can have a pool house and they can have a guest house and you're just going to end up with bigger houses with nobody else living in there. So how does what you're proposing prevent that?

>> Well, I believe that the that the cap on one unit set at 0.4 will it means that any one unit of a two and three unit development is going to be smaller than the homes that you see being built right now.

Currently, the average home is being built at 0.45. So if we set a cap at any one unit, then that first unit that you build is capped at 0.44. You now have 0.25 to use. So even your very largest house in a two and three unit development will be smaller than the average house that's

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than the average house that's being built right now.

>> So the definition of unit though, is just like some living space and a bathroom and a sink effectively outside it, as best I can tell. So if I wanted to have you know, a mother in law suite, you know, attached to my main house or if I wanted, you know, to have a pool house, as long as it has a bathroom and has a sink for the bar, it counts as a unit. So there anything that prevents me, I mean, there's nothing that prevents me from having a connection between the units. There's nothing lang mean, I see it now that people do this in my district where they can have the second unit in three. And so just, you know, is there anything in this that prevents somebody who wants to build something bigger at the 0.65, they can call it three units as long as they have enough bathrooms and sinks. Is there anything to prevent that, to make sure there's multiple, you

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make sure there's multiple, you know, multiple families living in these spaces?

>> There isn't anything right now. And I think that's a valid point. So I think that would be an intro lasting piece for council to debate and think through. I would hate to see that become the reason to not move forward with three units that, you know, the possibility of. Let's call them bad actors under that taking away the possibility of, you know, greater good being possible throughout the city.

>> I understand, I understand that concern. But we've also seen what does get built currently under the current rules and have, you know, if you look at some of the census data that we've seen, you know, the number of don't have the total number, but the number of people moving into our community that are making over \$200,000 a year. You know, is enormous. There's you know, in the last three

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you know, in the last three years, it's something like over 30,000 people, people and so the demand for the larger homes is there and the ability to pay for them is there and is a whole lot easier to make money on them. So I don't know that anybody has to necessarily, be nefarious. But the way that the, you know, the, the rules can be used to make the most profit and if it is more profitable for somebody to build the bigger house, if they have the buyer to do that.

>> So I would say it to this concern even if we look at the market data right now for a units, the b unit sells much quicker than the a unit.

>> So I'm saying the adu, the 1100 square foot secondary unit is the hot commodity. The front unit is the least desirable. Well, so if we're just looking at what the market data is looking for, people are looking for smaller units, they're they're generally more

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they're generally more affordable. So if we give the option, you could build one gigantic house or you could build three smaller houses. Even if that was on the table, the what the market is looking for is the three smaller houses. So if you're responding to the market, it's going to be the three smaller houses that are getting built. If, if there is a bad actor who comes in and says, you know, I have all the money in the world and I want to build one giant house and there's and I'm going to put doors between my three units. They would, you know, they would be in violation for adding unpermitted doors.

>> That's what I'm asking, is there's nothing in here that says you can't have the doors, though. I mean, if it's that's what I'm asking is one unit, if it's, if it's one unit, a unit doesn't have any definition that says you can't have connecting doors across all the units. It just says that you can call anything a unit that has a living space, a bathroom and a

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living space, a bathroom and a sink. So I think that that would be a good I think this is a good discussion.

>> Ann I would also say, is there any reason, if there was a , an elderly parent who you wanted to house in your house and you want them to have their own unit, but for safety's sake, you want to be able to get into their unit, would we make exceptions for that or how? It's not all bad actors.

>> Again, I'm not saying it's all bad actors, but we do know that no, under the current rules that we have that you know, one of the reasons that makes it complicated is that there are so many exemptions and the mcmansion ten people are trying to maximize what what they can build. And we see that happening now. So I can think we can continue that. I'm not sure that, you know, I still think that there's plenty of demand for the larger houses. That's what we're seeing in my district, in and plenty of that, even where there are the opportunities to do the two units. So, so I don't know that I agree with that, but I appreciate your perspective. I

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appreciate your perspective. I have other questions for staff. Unless you want other questions first, let's go ahead and complete those. Okay. So I have questions for staff. Does anybody.

>> Thank you. I don't have anybody else written down as having questions. So if you think those questions.

>> Okay, do you want to very much like councilmember all have questions and or commentary that particularly good call on you after she completes her question appreciate it. Thank you. Okay so for staff you know, a lot has changed since we had a joint public hearing at that time.

>> The staff proposal was for a duplex and two unit typology. Now we're just going to have a two unit and a three unit. And at that time there was no mcmansion and no far limit for most of the possible permutations. But now we see that planning commission has recommended some far limits. My question is what is the staff recommends for far limits? The affordability income impact statement for the previous proposal stated without unit size restrictions either by subchapter f, I.e. The mcmansion standards or another floor area

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standards or another floor area ratio limitation, the proposed amendments may result in units with similar size and price to current single family units, which would not achieve the resolution's goal of facilitating the availability of smaller, more diverse housing types for middle income households. So I'm glad that we can now all agree that size setting size limits has a role in our preferred policy outcomes. But do our professional staff believe that the recommendation from the planning commission is the best way for us to achieve our desired outcomes? So

>> So we. Erica leak planning department. We are still assessing that question. We have we know we've received it through council and we will get a response back to you as soon as we can.

>> Thank you. And ken staff, please clarify. It appears that though the planning commission only recommended that these far limits apply to units constructed within our current mcmansion boundaries. That's how I read item seven on page four of seven inches the proposed zoning changes for city council meeting December 7th. Document it is my understanding that there would be no far limits

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there would be no far limits outside of our current mcmansion boundaries for these multiple use. That's correct. That is what is proposed at present.

>> Correct. Okay.

>> Do staff believe this will help us achieve our goals for more smaller units?

>> The as you've heard through both presentations, far limitations do to help control size. So without the far limitation you'd be able to build what would be allowable per building cover, impervious cover, setbacks, etcetera.

>> So as you do the modeling that you give us, can we make sure that we're seeing, you know, what does this look like outside of the mcmansion in area limits? You know, there's some fairly interesting consequences to this. For some of the neighbors hoods that many of my colleagues represent. Parts of my district as well, where the mcmansion restrictions don't apply, then you have no far limits. And as far as I can

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limits. And as far as I can tell, you would have no nothing that would be incentivizing smaller houses in those areas.

>> We can certainly see what, what type of information we can pull together.

>> Yes. And I will just point out that that makes it extremely complicated as you move forward, because you're now going into areas that don't currently have far limits and then you're going to tell them you're going to have far limitations. And so it becomes very complicated to proceed. With that, don't have a solution to it, but I think it is something that we need to anticipate. Okay. We also have a planning commission recommendation for preservation bonus and a sustainability bonus which our professional staff recommend on those two proposals.

>> So as the manager mentioned, we will provide more information on to council before the end of the week on on our thoughts on those.

>> Okay. And the planning commission recommendation renders obsolete what modeling we did not have. So when can we expect modeling to be completed

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expect modeling to be completed based on the planning commission recommendations for the changes to far? And are the proposed bonuses? I know there are some models in your presentation today, but it's not clear to me whether those maximize entitlements and really do the full build out.

>> So the models that are in today's presentation do max out the far and impervious cover. We don't yet have any modeling that includes the preservation type of bonus. So we'll, we'll see if we can get that done. This week.

>> So you said that it maximizes the entitlements. If I had a flat roof, could I put a balcony on the top of my roof? Essentially having a fourth level under the rules?

>> Oh, a balcony on top. That is a good question, Ann it's not really a balcony.

>> It's a terrace. But can you mean what I'm being told is you can add a whole nother the rules you know, then you have a fourth

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you know, then you have a fourth storey overlooking your home next to you, not just the three storey.

>> I do not know the answer to that question. So we will will add that to the list. And we have we have folks who are who are captured doing all of the questions today to make sure, as you do the modeling, if you also can be clear on what happens when you get rid of the tent, to what the houses look like.

>> I think we're still seeing and a lot of different models. So I don't know which ones are which and which ones are maximized, but a lot of them have, you know, slam slanted roofs and other things that may not be what we will get out once we have a height of 35. So if you have a height of 35 and you have no tent, you get very different housing shapes than you get when you have the height of 35 and you have the mcmansion ten, and then that has as implications for what goes next door to you. So I'd like to make sure that we're looking at that in the models and that if you're able to do the terrace is on top, that we're seeing what that

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top, that we're seeing what that height looks like and what that means, you know, relative to the smaller houses that exist on the other sides of that, we'll we'll see what we can get done. Okay. It seems like the other cities have taken similar steps, haven't had enough time to fully evaluate the unintended consequences, as I alluded to in my conversation with a earlier, one of my concerns for unintended consequence is, is that we will see areas particularly within my district, where the increase in far more will be used to build a larger home without necessarily housing additional people. You know, they will use these spaces to have house guests or create a pool house or things like that, and we won't actually get any additional people living in these spaces, but we will have bigger houses, which then impacts the costs, etcetera. Do staff have any perspective on how we can mitigate for that potential?

>> That's something that we are checking to see if there are if there are good ideas of how to

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there are good ideas of how to do that.

>> Okay.

>> And then for my colleagues, I just want to be clear that what we do now for this phase, if we're moving into a second phase for home, does have big implications for that. So, you know, the, the document right now says that there's a minimum square footage for the lot, but then it guarantees 2300ft s homes. And I just want to be clear that even if you had one home on the 2500 square foot lot with the subdivision at some point, if you allowed 2300ft s on a 2500 square foot home, now you're talking about a 0.92 far and so there are some implications here. You know, as we're thinking, moving forward, since it's been indicated that we want to do a phase two, that there you know, we need to be thinking about how what we do now impacts what we will do later. Mayor have some other questions about the code, but

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questions about the code, but don't know if councilmember harper-madison wants to go or other people have questions that are more.

>> Why don't you complete your questions and then we'll go to the other folks.

>> Okay.

>> So don't know if the fire marshal is here.

>> The fire marshal is not here.

>> Okay.

>> So I don't know the best way to do this, but with respect to the fire marshal or questions, if any, any question in the q&a, we'll get it to the right department to make sure we provide that information as timely as we are able to do it so that you can have adequate time to inspect and then ask additional questions if we haven't quite gotten them. Okay. I mean, some of these I would prefer that they have to answer, you know, you know, I mean, if you didn't let people know that you were going to ask questions of the fire marshal, I understand that they were they were present for the planning commission. So I assume that they would be present. >> Well, we have a meeting that

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>> Well, we have a meeting that that I guess I'll be there at that time of our meeting.

>> This is a work session. And so we had specific things that were going to be provided as part of the work session.

>> Okay. So, why don't we go to other people and I'll come back to my questions?

>> All right. Councilmember harper-madison and then councilmember fuentes.

>> Thank you, mayor. I appreciate the recognition. Like I said, I primarily have comments, not so many questions, actually. Literally just one question. Ann. I basically wanted to make sure to say thank you to staff. You to miss leake for the presentation. I'd also like to thank our colleague, councilmember pool, for, for championing this effort. As we've heard, it's a critical and important effort. Also wanted to give a nod for a little side action. Thank you, Mr. Gannon. You said you have ideas, but don't think what you presented, by the way, the information that you presented are, in fact,

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you presented are, in fact, ideas. They're facts. And that's one of the things that we can never fall short of, is recognizing that a lot of the ways that we've arrived at this place is the fact that our city is unique in very many ways. But not exclusionary. Zoning where people played a game of hide the ball and make the city for a certain group and or class. And more often than not, both people is how we got here. And so to your point, my hope is that we don't fall short of what we could do because there could potentially be the opportunity for there to be some some folks who don't operate with the desire to move forward as quickly as possible. Housing shortages are not exclusive to our fair capital, unique city. They're universal global pool Singapore has housing shortages, Tokyo has housing shortages, new York. Seattle shea cheboygan. I mean, it doesn't matter where you go. These conversations are universal and so I appreciate

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universal and so I appreciate that we are in a lot of ways the kind of city that is so committed to being, you know, at the forefront of coming up with unique solutions to what we have described over and over again. This isn't, you know, cliché. It is a crisis. And I appreciate that we have arrived at this place where we are coming up with real, practical, possible solutions. So thank you to everybody who's contributed to the dialog thus far. I recognize that this is not an easy task that we are undertaking as a council, as a body, as a city. The conversations will be difficult and anything that's good or worth having. I'm certain there's some parents in the room. I have a 13 year old who is not especially easy right now, but when she's 25, the fact that she made it hard on me to parent her today will mean that people won't talk her into doing dumb things. So it's worth doing the hard work to know that on the other side of it, she's going to be a strong person who

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going to be a strong person who advocates for herself and what's right. That said, after serving on this body. For over five years now, and as a native austinite, I am very familiar with this conversation both as a policy maker and as a person and just trying to live in this city and already picked up my grandmamma

name. I think a lot of y'all know that I'm going to be big mama. I don't know what size I will be when I'm big mama, but I will be big mama to somebody. And I want my grandbabies and their babies to be able to live in this city that I call home. They will be fifth generation austinites, and I want them to be able to live here. I am familiar with these conversations. I'm familiar with the level of difficulty that these conversations have taken on and I encourage hard conversations. As our chief of staff, Sharon Mays, famously says, that there's always something good that comes on the other side of a hard conversation. It means everybody's being candid and everybody's sharing information. It's critical to have the information to make good choices. I think we have tried hard on

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. I think we have tried hard on multiple occasions and in many, many ways to improve access to housing. I'm hopeful that this and other initiatives that we pursue will be one of our many successes. To be clear, colleagues, staff and to the general public. Many austinites, myself included, believe that these particular code changes will help to expand the amount of attainable housing opportunities in our city, and that's for a more diverse group of people based on a number of factors to consider here are some startling statistics that I'd like to share with you and things that I'm considering as we sort of move through this dialog. Over half of four person households in this city, the city of Austin, have a median family income of \$93,450 or less. And yet only 4% of homes sold in this city in the first

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sold in this city in the first half of 2023 were considered affordable to them. I recognize words like affordable are relative, but given the parameters that we use to make that assessment only 4% of homes sold in our city were considered affordable to those folks. In district one alone. There is a 55.2% shortage of homes that are considered affordable to the four person household at income levels of \$93,450 or less. We must use every single solitary tool to address the crisis as a nation globally, housing shortages are absolute universal because there is no silver bullet, there's no silver bullet policy, there's no silver bullet body, there's no silver bullet. City there is no silver bullet to address crises and frankly, demand the home initiative is

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demand the home initiative is but one of many solutions that we actually have a chance of enacting. And I, for one, find that encouraging. It provides opportunity for first time home buyers for our workforce to be able to live in the city that they serve in so frequently. You know, I'm an early riser and I watch folks with their vests and hardhats walking down my block. It's still dark outside when they're on their way to work in downtown Austin, they park on the other side of the highway and walk across the highway to

work in downtown Austin to serve us, to build our city, to make our downtown core what it is and continues to become. They have to take great strides in order to do that. Those people that make those beds fresh and crisp and run those linens through those big machines and make certain that your crepes are hot and fresh in the morning at the various hotels around town. That hot cup of joe you get at the

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hot cup of joe you get at the j.w. Marriott, they have to live somewhere if they're going to serve our city, they should be able to live in it. Also, I would like to quote a friend of mine. She's got an initiative that she's working on called, you know, austinites will love this, considering how much we love yoga. It's called na. I'ma stay. And that's in reference to her like me and many other austinites recognize housing that in powering multigenerational housing, multi-generational opportunities in this city to maintain assets like land na I'm a stay, but you have to be able to stay with assets like land. I think that especially resonates with our east Austin neighbors who frankly have always and continue to feel threatened by displacing but that word opportunity that keep using. It's so important because so many of our neighbors and constituents feel a distinct lack of opportunity in Austin

[10:23:08 AM]

lack of opportunity in Austin today and always, frankly, I for one believe we can do better as they plan for their future. Tirz I'd like to say for great gratitude to our colleagues in districts two and three and four for working with with team one on addressing three critical additions to the home initiative that I personally believe must be incorporated alongside those of the planning commission and, you know, the housing professionals who are contributing to this effort. It if we are to create opportunities for all of Austin, if we're going to make the promise of home of the home initiative available to all austinites, then we must also all help to provide access to capital for existing property owners to maintain ownership or redevelop their land. May multi-generational families in d one or many rather are already tapped out financially, so selling out feels like their

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selling out feels like their only opportunity. Council member velasquez. I know you know what I'm talking about and I'm thankful for your office working so hard towards taking that into consideration and that recognition as we work on new programs for families who are already home or land owners, and they need to be able to continue to use that asset as just that, an asset and equitable infrastructure planning that addresses both historic inequities like those that started prior to frankly, but continued to occur in those deed restriction incidences like in 1948, historic inequities with any new demand as new housing expands. This is probably the largest concern that I hear from most of our constituents in

pdistrict one and incorporating change into our infrastructure planning that takes that equity lens and identifies any new remedies for neighborhoods.

[10:25:12 AM]

remedies for neighborhoods. Adding housing is critical. I'm talking water mains, I'm talking rethinking narrow streets for emergency access. I'm talking about lessening the cost burden on working families who frankly may not have the means otherwise to use our city services as and lastly, for now, I appreciate that plans like these, they're living and breathing. You know, it's not going to be static. And I think it's critical that we recognize that plans like these are going to have to be nimble and are going to have to grow. I mean, the one thing that we can count on in this city is that we will always continue to grow, change and evolve. That won't stop. That's the one thing we can guarantee everybody in the conversation. Education and outreach to existing property owners at risk of displacement on what the true value of their property is and how they can access the resources that we hope to bring forward to neighborhoods like theirs.

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neighborhoods like theirs. There's a ton of great examples for programs like this. I'm excited to support. Caught east Austin and our east Austin council members and offering ideas and direct solutions and potential options to city staff to address those concerns with real solutions. So thank you again. Council members pool and city staff. I think we all recognize this won't be an easy% lift and nothing worth having is so we have to get it right at the start and move forward with really solid foundation. Ann so that's it for the commentary. The one question I did have and I think we might have posed this to staff already and it's around considerations. Burns and I think that's probably a director . Truelove question. Good morning.

>> Good morning.

>> So our office has received multiple emails, phone calls

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multiple emails, phone calls and, you know, and our attendance of neighborhood meetings has repeated questions about the city's affordability impact out statement. So specifically it cited that several issues with the home code changes that could have a negative impact on affordability. I'm hoping that you're able to address those initial concerns and help us to confirm, most especially for our constituents and, you know, as we move forward with this planning process, whether the planning commission, as

amendments have addressed those to date and if that is not in fact the case, what considerations should we as a body be taking moving forward?

>> Sure.

>> Thank you. Rosie truelove, the director of the housing department. So overall, the affordability impact statement released by the housing department was positive for our for the this particular suite of amendments. But there were some policy considerations that we outlined and some concerns that we outlined substantively, the planning commission changes have helped to address those and we

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helped to address those and we have answered that question in question. The q&a process for this body. But we will extract that information and Polish it up and give it to you as a memo by the end of the week. So that you have that to more readily share with your constituents.

>> I appreciate that. And just to just for so we can make certain to take the proper channels for following up. Is there anybody in particular that John and our office should follow up with by the end of the week?

>> It will it will come out from from me through as a body to everyone so that it can be used by everyone.

>> Awesome.

>> Thank you. Appreciate it. And then, you know, so believe that when the public does receive that update, that it will help both with, you know, honest misunderstandings and I think we can never overlook the fact that sometimes the misinformation, though unfortunate, is intentional. And so I think it will help on in multiple ways. So thank you. We look forward to that information.

>> Thank you. Thank you. Thank you.

[10:29:18 AM]

you.

>> Councilmember councilmember fuentes, then councilmember kelly. And then I'll come back to councilmember velasquez and then councilmember alter.

>> Thank you. And thank you, councilmember harper-madison. It's wonderful to have you back. Your voice has been missed. And I just really appreciate you being here with us today and for your commentary. Thank you. Colleagues there are a couple items I did want to highlight. One, on behalf of councilmember qadri and myself, but just wanted to lend my support for an issue that councilmember allison alter raised regarding whether or not we should extend the Florida area ratio requirements to

the entire city. You know, my district, district two is not within the mcmansion area, so I would be particularly interested to better understand the impacts of not having required tenants in in the outer parts of our of our city. And then also, I know that that I'm also interested in the other planning commission recommendation of removing the 1100 square foot size limit for the second unit that the also supports. I'm not sure if our

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supports. I'm not sure if our legal team is working on incorporating that into into an amendment. And so and then also want to thank councilmember velasquez for your leadership on bringing forward an related to financing. Both you and I have had several community meetings this week regarding the concern of not having financing available for our our homeowners and our communities, particularly. And so it's been a really wonderful and welcoming to work with you and councilmember harper-madison and councilmember vela's office on that proposal. And look forward to bringing that for the full council consideration. Colleagues on behalf of councilmember qadri and myself want to highlight two changes to ensure preservation of original homes as part of the home initiative that were recommended by the planning commission and that we just received a briefing on from city staff. We're very grateful for preservation Austin and the Austin infill coalition and their work with the planning commission workgroup and our

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commission workgroup and our council offices to get this simple yet effective historic preservation incentive as both the historic and sustainability bonuses provide an incentive to property owners to keep the original home on the lot if they choose to participate in the home initiative. And so we, as part of the home initiative, we want to make sure that there's an incentive for people to keep their existing home to maintain the fabric of the community and to also not contribute to landfill knell by knocking them down. Both of these bonus programs are a wonderful addition to councilmember powell's home initiative of helping us preserve community character history and utilizing our existing housing stock to its fullest. We are happy that city staff is ensuring that the ordinance language includes narrates the preservation best practices and my understanding that will be coming forward to us in the coming weeks. Councilmember qadri would like to make a motion that ensures that the historic preservation office coordinates with the development services staff on development review and implementation of the preservation bonus to ensure its maximum potential. Likewise, my

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maximum potential. Likewise, my team and I are working with city staff regarding the sustainability bonus.

>> Thank you. Councilmember. Councilmember Kelly. Yeah, thank you.

>> And thank you staff for the Q&A. I appreciated the responses to the questions that I asked Councilmember Allison Alter. I wanted to let you know that I asked questions about the wildland urban interface that you may be interested in, since you had some earlier, but I do also have a few questions, as I'm wondering if staff could speak to any types of restrictions on additional short term rentals that might be included in this proposal so that there's clarity in the community. It's one of the questions that keeps coming up when I'm out at community meetings.

>> Trish link with the law department, the planning commission gave some additional direction related to wanting city staff and the council to take up the issue of short term rentals sooner rather than later. So the proposal that we were that we are sorry, the ordinance

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that we are sorry, the ordinance that we're drafting would not have any of the short term rental restriction options that is current and current code. It except for the standard short term rental regulations that apply to all of our properties, our the law department's recommendation is to take up the issue of short term rentals and a holistic way and do all of it at one time instead of a little bit here and there, which is why we're that is a recommendation from the law department to take it out of the current code.

>> Okay. So that's more of a long term goal to try and fix a short term rental situation. Is that something that requires action from council or is that something that the legal department is going to be working in conjunction with the code department on?

>> We will work with the city manager's office and on what proposals we would we could recommend to the council moving forward and maybe that would help us move this conversation forward. Okay.

>> Thank you for that clarification, Ann I do have a few more questions, so you may

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few more questions, so you may want to stick around. Thank you. I've heard that questions about occupancy limits and if they violate the fair housing act or if they do not, so do Austin's current occupancy limits violate the fair housing act?

>> So the city has two occupancy limits and I only just say this for a little bit more context. We have our what I call our zoning occupancy limit, which is what you would be removing if the ordinance passes as proposed on December 7th. And that is that regulates the number of unrelated individuals that can

reside in a home. We still have square footage minimums for bedrooms, which helps ensure health and safety. This action doesn't touch that in cities across the country have what I call the zoning occupancy limit. The number of unrelated individuals that reside in a home to. Additionally, when cities get into trouble, it is because they have refused to grant a reasonable accommodation under the fair housing act, which has to do with individuals who need an increase in

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who need an increase in occupancy to enjoy, to live in the housing of their choice. So if someone might say, is a sober living home, if it needs to have more than six unrelated, we do grant reasonable accommodations. We have a process in our code, so we are compliant in that respect. Another place cities could get into trouble is from the what we call as a disparate impact, meaning the effect of the regulation has is discriminate kerri. We don't have that situation here in Austin. There's been some discussion about familial status and our code does not discriminate on the basis of familial status. Familial status is a household that has a child residing with it. Our ordinance does not not prohibit that. In fact, actually our focus is households with children on on families as opposed to a number of unrelated individual ralls.

[10:36:23 AM]

individual ralls.

>> Okay. So you sort of walked right into my next question, which is does removing occupancy limits affect the registration and inspections done for vulnerable populations such as those that are disabled in group homes or the elderly or halfway houses or even juvenile congregate living spaces? Are those occupancy limits the removal of that? Will it affect regular inspections being done? My concern is that those populations that I listed are very vulnerable and they are susceptible to abuse, exploitation and neglect. And without regular inspection being done because of the removal of occupancy limits, I would be concerned that bad things could happen.

>> So the way our program here in Austin works is we have a general rooming and boarding home licensing process. And if you hit the threshold of more than six unrelated individuals in a household, then you are subject to the licensing requirement that is kind of typically what we use. We would kind of from a use a true use

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kind of from a use a true use standpoint, would be group residential. We have provisions in the city code for family home and group home. However, there are some legal concerns with those uses and which

would not want to get into here. But there some legal issues with that. So that's why we focus on group residential. If group residential remains at six unrelated individuals or more than six unrelated, then we will have a de facto occupancy limit because group residential is not allowed in our single most single family Zones going forward, if the council approves the change, the change to group residential to 16 unrelated individuals, plus you have food service from a third party that would mean that any homes that have less than that number would not be licensed. And so we do have some sort sober homes that

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have some sort sober homes that may fall under that. That may be less than 16 in. And so they would no longer be licensed if they are required to have a license today.

>> Is that something that we could potentially bring an amendment forward? Because I think that that's one of the unintended consequences that that we definitely want to protect those vulnerable populations and might like to speak with you further about that outside of this space currently.

>> If we could talk online, offline, that would be great. Thank you.

>> And then have there ever been any say, ever, have there been any environmental impact studies done related to the home initiative passing currently that we're aware of? Have has the city started to look into that or has any progress been done on it.

>> We have not completed any environmental impacts. Yes

>> Okay. So I did see a news report recently where the

[10:39:28 AM]

report recently where the author's office had spoken to the fact of looking into that, do you have an update about that? Okay thank you. I'll send you a link. Thank thank you. Yeah. And then on I guess this is another question for tricia and it's my last one. I really appreciate this. The community has been flooding our office with questions, and I know that the city does not get involved with the restrictions or hoas, but could you explain historically why that is and why other cities across the country maybe do that where we don't as a city or what the I guess the reasoning for that is so zo deed restriction burns and hoa's are are private agreements.

>> They're private, but they're individuals who move to a property, who agree to be bound by private use restrictions. So it's not something that the city of Austin mandates. It's not something that the city of Austin requires or regulates. It is a between those two parties.

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is a between those two parties. So if someone doesn't comply with their deed restrictions or their requirements, they are they're not in trouble with the city of Austin. They would be in trouble with their hoa or their neighbors. And so because those are private agreements, they aren't city regulations. We are not in the conversation. We are not part of that. There there is there is a provision in state law that allows a city such as Houston that does not have zoning to enforce a private deed, restrictions. We are not a city such as Houston. We one, we don't meet the threshold of the number of occupants of residents, but two, we have zoning regulations. So in order to follow that path, we would actually need to stop regulating zoning.

>> Okay. Thank you very much.

>> Thank you. Thank you.

>> Councilmember velasquez. >> Thank you, Mr. Mayor. I

[10:41:30 AM]

>> Thank you, Mr. Mayor. I wanted to thank council member fuentes and councilmember natasha for Madison for their kind words. Also to also say that it's so great to have you back, Ms. Harper-madison councilmember harper-madison there is no question that Austin's housing stock needs diversification. We need a range of solutions to this problem. There is no one size fits all. I believe home represents an opportunity to address our missing missing middle housing, and it's undeniable that our lower and middle income families are being squeezed out of neighborhoods they have lived in for generations. With that in mind and with the support of my colleagues, I will be bringing forward an item that will help people who may not have cash on hand to build these additional units on their lot. This item will ask the city manager to develop a program that enables access to down payment assistance to help those on lower or moderate incomes build or renovate their homes to include adus. Now that hud has made fha loans available for adus, we'll also be asking the

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adus, we'll also be asking the communication and marketing materials be made available and targeted to these communities so that people who would benefit most have greater access to them. Importantly we want to make sure that units built using this program are long term affordable housing for austinites. So if someone uses a program, they would be ineligible to apply for a short term rental license. I want to touch on something that my colleague said earlier, and this is while we are growing our community, we need to ensure that we are growing opportunity for all. And I really appreciate your words to that extent. Thank you.

>> Thank you. Councilmember allison ultra.

>> Thank you. Councilmember velasquez, I look forward to your resolution. You probably are aware of this, but several of us have been involved with resolutions related to adus over the many years to address the capital issue and the memos that have come out about that and the

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have come out about that and the other pieces are something that can be built upon for that work. If you're if you're not already aware of those, with respect to the wui and the fire marshal, I guess right now I'm hoping that I'll get a chance to meet individually with the fire marshal, but for now I'd like to ask staff how the fire marshal has been involved in evaluating the proposals since the planning commission changes. Staff has been in communication with the fire marshal's office, discussing the various proposals, including tiny homes.

>> Et cetera. And there are a number of responses to council questions in the council. Q&a relating to this. So so, so there's a little bit more information in there.

>> Is there a written do you get written feedback from the fire marshal? Like how are they

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marshal? Like how are they consulted? And, you know, we've we've both had meetings luz and they've helped provide responses to council q&a.

>> Okay.

>> I'll take a look again at the q&a. I do have concerns on fire risk asks based on some of what we heard at the planning commission with respect to the occupancy limit changes and what that means for the structures and how things change across structures whether it's the building code or the. I think there's a change depending on the number of units of whether you have to do fire suppression proposals, etcetera. And I want to make sure that we have some clarity on that. So I'll probably ask some more questions on that and with respect to the code, my understanding that the code in areas that are in the wildland urban interface require proper spacing among the units because the whole point is to

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because the whole point is to avoid ignition from one structure to another. So I'm trying to understand and how that plays out. If someone can speak more to that, in conjunction with this in areas that have yeah.

>> Good morning. Jose roig, director for the technical code issues are still in place this changes will not change anything like that. So when we look at the plan review site, we apply all the technical codes that have to be applied to. That includes building code, residential code that includes separation between units, firewalls if they are required. So those are still in place. So those life safety issues will still have to be in place regardless of how many units you put in place.

>> Thank you. But the in terms of the secondary exit, you know, this is allowed in areas that only have one exit in and out into the area, which are a whole number of places around the city because we didn't used to

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because we didn't used to require a second access for development. So this would be allowed in those areas as long as they were sf1 or sf2.

>> It is, yes, as long as they comply with all the requirements for the technical side. Yes they will be allowed.

>> Okay. Thank you. Appreciate it. Thank you.

>> Councilmember. Okay. Mayor pro tem, thank you for the recognition, mayor, and I appreciate the questions.

>> Councilmember kelly asked about deed restrictions. I know we get those questions a lot in district eight. Could someone speak to any sorts of other settlement agreements? And if those are also private, you know, legal legal discussions that have court case settlements are those affected by this? Would those still be maintained? For instance, circle c and the bradley settlement agreement specifically.

>> So we have we would be looking at every particular, time that it comes up. So if, if

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time that it comes up. So if, if the regulation, if the settlement agreement and the city is a party to it. So my assumption in your question is that we are a party to it. If it does regulate, use or dress use or the number of units we will have to look at whether or not those have to be amended. But it would really be on a per settlement basis and I don't know how many we have. I'm hoping not many, to be quite frank, but that is one. And then when I know there's probably a couple others.

>> Thanks. I know that's a special case scenario, but my understanding so far is that if there are court case decisions that that parties have signed on to and are bound by, that this change in code would not dissolve that court case agreement in any way. So if you could just let me know if that's not correct, that's my understanding. And I anticipate moving forward with that being the understanding of those

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the understanding of those particular court settlements.

>> If I might interrupt, just because I happen to have a little bit of knowledge about something you specifically brought up. If the city entered into a settlement agreement or entered into an agreement, it is an agreement point and I think it would be very difficult to then come in and somehow say many years later that the agreement is not in place. So I hope that the answer that was just given doesn't create the fear or that it created at least in this chair. So we need to get an answer, a clear answer. The city can't just enter into an agreement and then unilaterally, unilaterally come back and say, hey, we're not going to enforce it anymore because of some other change.

>> I recognize that. I think the part of my answer has to do with not all of our settlement agreements address the same issues in the land development code, and so would have to look at a particular agreement to see does it even get into this

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does it even get into this issue. But if we have a settlement agreement and that is the rules of the game that everyone has been playing by, we will continue to follow that. The question is, though, that does come next is if those property owners want to change something. And we have seen that from time to time over the years. So that's also another component of my response.

>> Okay. Let's talk a little bit more offline. But my understanding is how the mayor laid it out, which is that if we are one of the parties in a court settlement that we can't unilaterally say we're going to do something different.

>> That is correct.

>> Okay. I appreciate that. And I'll I'll draw folks attention to when people submit an application about the type of zoning change or the type of site plan that they want to put in, you know, in on a plot of land that they own that there is now a line on there that says people have to check with their deed restrictions. And there has to make sure they're in full compliance with those agreements. That was something that I brought in 2019, 2020 when we were having discussions

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when we were having discussions about rewrite and we had gotten the question from HOAs that have specific restrictions and, you know, approach that question many times from folks. And it is the city

zoning is a public decision. And the private agreements between property owners and their hoas is their own private covenants essentially. And so we have asked people along the way to say, can you make sure that when people come and they want to change how they're using the land that they own, that they are doing their own homework and their own research to look at hoa restrictions and deed restrictions in their, you know, in the paperwork they sign when they buy their home. And so although the city does not maintain those and does not enforce those, we have made our efforts on this end to ensure that folks are doing their due diligence to understand what the expectations are when they buy a house and they buy a property in a place that has an hoa with deed restrictions. So I really appreciate that. That conversation coming up. And I'll just generally say, you know, I

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just generally say, you know, I appreciate getting more information on how Portland has tried to tackle some of their land use issues. I was able to visit there in 2019 and had had done a little research about how they have a set geographic footprint that council decides that says we will not extend beyond these boundaries without it coming back to council and saying that we are moving into areas that are vegetated and forested and so it's interesting to see that now that our footprint as the city of Austin is contained without people voluntarily deciding to annex into the city of Austin, that we are facing similar limitations. So we've got to get smarter about how we use our land, about where we allow gentle density and how we incentivize for people to be able to do gentle infill types of developments. None of these regulations are going to stop rich people from doing rich people things. But we can make sure that the average person has the ability to build a life and maintain a life here in Austin and to be close to the people that they know and love and I think that's the focus of

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and I think that's the focus of the home initiative, is to try to make more flexibility possible for people because there are folks in town that want to build small units. They want to build triple-a axes, they want to be a part of the change that keeps people here in Austin that helped build this town. But at the end of the day, there are some folks that are going to have more means. And I want to make sure this city is not just for wealthy people to be able to buy land here and to be able to buy homes. And I think that's where we need to allow for more flexibility, kathy and more ability for people to have smaller footprints where they want them. So this isn't about mandating that people have to build something. If people want to build those large houses with large setbacks, they're they're going to be able to do it to a certain extent. But there are people out there who want smaller units. They want walkable, bikeable, connected communities. They want porches where you can walk your dog and say hi to your neighbor. So we've got to make sure that we are allowing that type of flexibility in our code as the city continues to price people out. I think this council is

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out. I think this council is very set on making sure that people are here. They can stay here and build a life and I hope that we keep that in mind as we move forward with some of the discussions about specific regulations.

>> Thank you. Mayor pro tem. Before I call on councilmember pool to close, I want to make sure that if anybody has something, we're gaining new information. This has been a productive work session where we get additional information on the planning commission has just made its decisions. There may be amendments that will be coming forward that people aren't prepared to lay out today, which is understandable. What I would suggest is that as you have those, though, please go ahead and put them on the message board. Even if they're a rough draft so that people will have an opportunity to look at that and ask questions about it in anticipation of what I think will be a meeting where we're going to have quite a bit of public participation would be my

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public participation would be my guess. And then our discussion will will work a little more smoothly. Councilmember vela, just a couple of follow up questions, if you don't mind.

>> Sure. And this question is for staff going off of the far discussion in district four, is half in the mcmansion tent area and half not in the mcmansion area. So kind of have a think a little bit of a of a unique view of the situation. And just anecdotally, there are more mcmansions in north loop, let's say, than there are in Georgian acres. You know, again, people have the ability to build without any far limits whatsoever in Georgian acres. But my sense would be that the majority of, you know, 3000 square foot, 4000 square foot homes are happening actually within the covered mcmansion area. Any any thoughts on that from a staff perspective? I

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from a staff perspective? I mean, are we seeing these kind of really large homes out in the kind of periphery or outside of the mcmansion area? I'm not just anecdotally, I'm not, but district ten would defer to, obviously, councilmember allison alter on that.

>> I'm trying to I know we've, gathered data on a number of things. I don't think we have data in that particular way, or at least not that comes to mind immediately. So. So I don't know offhand.

>> Okay, I'll just wondering in terms of as we address the problem, I guess I would like to know if, if there is a problem to be addressed before we kind of, you know, dive in and try to regulate in the area.

>> And then I think these two might be more for law, for trish. But the str's, my sense on the str's is and again this is based on the federal court rulings that have come down that

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rulings that have come down that have, you know, invalidated various kind of portions of that. Is that that and please correct me if I'm wrong, this is not an area that we've dug into a bunch yet with my staff, but the more we kind of micro regulate, we seem to get in trouble with our kind of, you know, in other words, the court seems to be wanting us to adopt a broader the str regulation that treats everybody the same way as opposed to the way we have been doing it, where we kind of create tiers based on, you know, whether it's owner occupied or those kinds of things. Is that I mean, is that a fair assessment?

>> What we have learned from court decisions is that our distinction between owner occupied and non-owner occupied are problematic and the court so for that reason, staff has actually been applying the regulations consistent between non-owner occupied and owner occupied str's.

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occupied str's.

>> And in terms of str regulations, any potential ones that you know could would be attached to. Let's say, you know, this ordinance. Can we distinguish then kind of if we're getting into kind of the, you know, by zoning types and by kind of different kind of, like I said, micro categories as we cut the lines, you know, fine, we're treating similarly situated people differently based on kind of not, you know, not really kind of obvious and apparent distinctions. Are there concerns with that?

>> If council wants to address, short term rental regulation as applies to two unit and three unit developments, we would need to figure out what that looks like. We have a, we have three different types today. We have the non-owner occupied, occupied

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the non-owner occupied, occupied owner, occupied and multifamily only. And this would not be multifamily. So it would be whether or not we would say type one or type two, anything that we anything that the council adopts, we would have a recommended action that would be in line with with what the courts are telling us. We can do.

>> Okay. Appreciate that. And again, I know that the entire area is a real, you know, kind of a mess of decisions and rules and whatnot right now. And I guess I hesitate to go into it on a piecemeal basis like

that. My sense would be I'd much rather address it comprehensively in a thoughtful and timely manner as opposed to like throw something onto this for Thursday. You know, again, those are just my kind of my, my instincts on it. And then finally, the deed restrictions. You know, there's some deed restrictions that are reasonable . I'd say the vast majority of them are very strange about, you

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them are very strange about, you know, how big the house can be and how the front facing this and that. Like there are kind of micro design rules in a lot of the at least the deeds that I'm familiar with. But I do understand that at some point swint a deed restrictions will will expire if they are are kind of you know, in other words if a certain percentage of homes in an area are violate ING deed restrictions from 70 years ago that are not really relevant today, then at some point, the courts will start basically kind of ignoring those deed restrictions. Is do you have any sense of when that is or what the law is around that area? Like when deed restrictions essentially become die.

>> There is in the case law, there is a threshold generally where the courts will say this has been disregarded long enough that it's no longer no one's following it. So it really

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following it. So it really doesn't apply. And the courts will say that that the property owner is not going to be subject to that. There was not a bright line on that rule. I think it really would probably depend on what the thing is. And so, yeah, there's not a good answer I could give you that's definitive. But yes, we have seen in the cases that the courts at some point say you've, you've, you haven't enforced your restriction on, you no longer get to enforce your restriction.

>> It's more like an estoppel, not quite an equitable situation , but more like an estoppel situation.

>> Yeah. Yeah. And with regard to the deed restrictions, then other than than, you know, the court kind of saying no, you know, we're going to choose to ignore them. Is there any way to end deed restrictions? And again, I'm thinking because there were a lot of I'm thinking about windsor park, which has some very strange deed restrictions that have to do really more. They're almost home design, you know, where you can only have it within here and the

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only have it within here and the house is on this street can have to be a minimum of, you know, 700ft s. And the next chito, again, they're they're not really deed restrictions as they're kind of commonly known. They're they're almost like design regulations that are written in as a deed restrictions. But is

there any way to lift those? Is there any way to end deed restrictions, other than, you know, a court deciding that they've expired or they're, you know, toppled out, the property owners who are subject to those restrictions can agree to change those restrictions.

>> The city of Austin would not have a role, though.

>> All right.

>> All right. Thank you very much.

>> Thank you. Councilmember councilmember pool, you recognized to close us.

>> Thanks, mayor. And I just wanted to do a round of appreciation and thank yous. My thanks to all of the city staff who have contributed to the home effort, in particular, planning staff and leadership for their tremendous work in getting us to this point. My deep appreciation

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this point. My deep appreciation to two valuable community partners, aya, who have generously devoted their talents to extensive analysis and modeling and to preservation. Austin for helping maintain the fabric of our communities and advocate for sustainable growth. These two groups are working tirelessly with, with my team and me to work on amendments to home with the planning commission working group that will make the program more successful. I am deeply grateful for all of your inspired efforts. Finally, I want to acknowledge the extraordinary work of the planning commission working group on those key amendments that reflect community input and that help meet the goals of the home initiative to promote smaller single family homes and provide options for homeowners. These amendments reflect two of my key priorities is ensuring

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my key priorities is ensuring smaller structures hours and preserving existing homes. I really appreciate the conversation, Ann mayor, that we've had today. Shea particularly the portion revealing the 30 year trend toward larger single homes, a trend that is incentivized by our current code. Considering where we are in our housing emergency and the lack of starter homes and options for homeowners, I am very grateful knell that we are working together to change that and to draw a fine point on that. We are not starting from zero here for this work to encourage more homes in our neighborhoods is hampered by the current code code, namely the ironically named mcmansion ordinance, which promotes the big house trend. I for one, am interested in undertaking the work on

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undertaking the work on subchapter f, so that we can prevent mcmansion ins, not encourage them. And I have been speaking to this point pretty energetically for the greater part of this year and last. So I'm looking forward to December 7th and to considering the good amendments that have been laid out by staff and our partners. So that home phase one meets our goals to get smaller, more attainable homes in our neighborhoods. We still have a lot of work ahead of us, but I'm looking forward to December 7th for the specifics that are contained in phase one. Thanks, mayor.

>> Thank you, councilmember. Thank you to all the council. Good, good discussion. Ann thank you to staff too, because we know that you've been working hard and are going to be working hard as we move forward. So thank you very much for the role that you're playing and also the partners that have been involved

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partners that have been involved and the planning commission for the time it's taken so far. With that, we will go to the next item on the agenda. And that is our briefing on winter preparedness. I will turn the gavel over to the mayor pro tem and don't take it personal. Thank you very much. You want to say something?

>> Would like to tee up the conversation if possible, before director snipes starts to speak. We're going to turn it over here shortly to ken snipes, our director of homeland security. As everyone knows, our preparedness as a city is a cross-departmental endeavor. We've learned a great deal since exposing experiencing covid, winter storm uri and winter storm mara and communications is a fundamental recurring theme across all events. Its relevance and how it is delivered to all of you and our communities. Important while ken will share well, ken will share during this presentation on the processes that are now in place to ensure consistent, timely messaging. We do want all of you to know that

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do want all of you to know that we plan to meet, meet with each of your offices individually, to talk through any questions or concerns that you may have on what we're planning on instituting and if you have any suggestions on how we can further improve our processes. Thank you. Mr. Snipes thank you.

>> Mayor pro tem, assistant city manager, council. Good morning to you all. My name is ken snipes, director of homeland security and emergency management with the city of Austin. And I'm here today to provide an update on winter weather readiness, the work to prepare for winter weather is multi-layered and complex and across city departments we have made changes that will support a more robust response response effort. Next slide. I want to start with just sharing a bit of information that

speaks to some of the complexities of a response here in Austin. One of the questions that I've received and quite a few times since moving even prior to but since moving over to homeland security

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moving over to homeland security and emergency management centers around, why we have seemingly see a difficult time responding to wide scale and widespread issues, weather events across the city of Austin. And the question specifically asked was why does Austin not respond as fast as cities like Miami and as I dove into that question, I started to first think that it was because they incur and deal with storm events more often than we do. But one of the things I learned as I started to really look deeper was that cities like Miami, Boston and San Francisco are six times smaller than the city of Austin. Seattle is four times Austin is four times larger than Seattle is twice the size of Philadelphia. It's larger than Chicago. And Portland and any other number of cities that you name you could name that people tend to think of. And this is

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tend to think of. And this is another complex factor that our work crews must overcome as they start to respond to issues across the city. Our agenda for this morning will include a winter weather outlook, a high level overview of our one Austin resilience framework and also an overview of our work at homeland security and emergency management. An update on the joint information center and functions. Its functions and changes. We're going to touch base on the citywide city workforce and support services. We'll also talk about our operational readiness and cover some of the work that several department s have done and are continuing to do. And then we will finish up the presentation with next steps. So recently we received a long range winter weather projection Ann from the national weather service. There were two notable points that are updated as part of that. That briefing freeze warnings will continue as they have in the past. Freeze warnings are issued

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past. Freeze warnings are issued when conditions are projected. Next slide, please. Freeze warnings are issued when conditions are at or below 32 degrees for an extended period of time and a hard freeze warning is issued when conditions are at or below 28 degrees for an extended period of time. But new for the upcoming winter season. The national weather service is adding an ice storm warning for central Texas this is important because it signals a need to change our expectations and our thinking around how we prepare for winter weather. Next slide. So starting with our one Austin resilience framework earlier this year, the chief resilience officer presented an overarching framework for resilience. This

framework is based on three overarching, overarching pillars that describe the city's resilience work and those pillars are addressing climate change, increasing affordability

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change, increasing affordability , and advancing racial equity. Building resilience go back one. Our building resilience requires us to take a look at both shocks and stresses in an integrated way. These shocks are natural and man made disasters or major disruptions, while stressors are the underlying vulnerabilities that affect our communities day to day and impact our ability to prepare, respond and thrive today through that lens, we will discuss how we as city departments are preparing for one of the most impactful shocks to our systems, and that is winter storms in an example of how we have integrated resilience at all levels, we'll touch base on multiple departmental changes. Next slide as it relates to emergency management, emergency management in the face of disasters is

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in the face of disasters is responsible for providing leadership guides, cross coordination across a broad spectrum of activities and actions. Planning preparedness, response and recovery are the pillars of emergency management. The benefits of early planning and preparedness include a speedy response and better coordinated recovery efforts. And while we can't avoid extreme weather, what we can do is prepare for. Next slide, please. Many of the tenets of emergency management and resilience are overlapping and interconnected. Brazil burns provides an overarching framework for long term vision and preparing and homeland security and emergency management focuses on emergency management and operations, including planning and preparedness activities. Next slide. And as we start to dive deeper into our emergency emergency management functions, I want the council to focus on our key takeaways, which is our

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our key takeaways, which is our one option approach. Our departments are coordinating and communicating singh and working together, conducting annual winter weather preparedness reviews across the city and also conducting tabletop exercises with city departments and our external partners as well. We're coordinating emergency communications and training protocols for communicating internally across departments with elected officials and also with the public operational readiness. Our operational readiness assets have been pre-positioned across the city for ease of access in the event of an emergency. We call these assets mission ready packages. We have eight of them deployed currently and we have more stationed in our warehouse. We're also working to schedule staff and have

predetermined who's going to step up and step into roles like supporting shelters. This ensures that staff have time to prepare themselves and their families so

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themselves and their families so that they can also respond. Oftentimes our staff members who are responsible for supporting the city during a response are also impacted by the events in their homes. So many times they're dealing with power outages or water outages. Outages or general impacts as well. Our council engagement council liaisons, our staff members from the city office, city manager's office. So we're switching how we've done that and these are people that you are already familiar with and that you work with on a regular basis. And our community preparedness. So a huge focus and pivot for us is the city has been heavily focused on helping residents increase their own personal readiness. We've conducted and participated in numerous emergency preparedness events where we've handed out free emergency preparedness kits. There is a clear, concerted effort among staff to communicate more frequently, quickly and effectively with the public. We are committed to letting people know when to expect communications and being

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expect communications and being open and clear about information that is or is not available. Some of our challenges in the past have included language access, communications and outreach, community preparedness, emergency fatigue and staffing. Next slide and here are some of our accomplishments is language access plan for homeland security and emergency management has been updated and was recently recognized nationally by the emergency management accreditation program as a best practice for having messaging translated into 14 languages. Community engagement is a major area of focus. At the neighborhood preparedness guide was completed and is available in English and Spanish with plans to translate into additional languages going forward. And we also launched a ready together preparedness training program. On September 28th, and it was a pilot. It was

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28th, and it was a pilot. It was successful, and we planned to host that training quarterly throughout 2024. Higher singh was another issue over the past few years. Also impacted as assistant city manager brisen mentioned covid and the general pace of emergencies led to staff fatigue. Some members of the staff have been on call or on standby every three weeks for several years. Some of them have also a couple of them have been on standby for even more time than that. I am happy to say that all new positions are filled now. Posted or actively in the hiring process, and this should help us improve our workload balance. Recently we went through a reaccreditation with the emergency management

accreditation program. I want to say that was a brutal process. Yes, it was very difficult, but I think it was well worth it in terms of the fact now that we

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terms of the fact now that we have updated over 40 of our continuity operations plans and this is the first time that we've had that many of our plans updated. At the same time for quite a number of years. We also managed to update over 35 of our emergency policies associated with the emergency response. We developed a citywide training plan for all public information staff who serve or could serve in the eoc and also developed a citywide training plan for elected officials and senior staff to organize our workflows. Several tools have been created. One, I think most people are familiar with that is the community resiliency improvement status portal. We are working to improve that tool to make it easier to understand and use, and we're also looking at other options as well. We've created a project tracker and a special event management tool and as an example of why this was important, I talked a bit about the team's workload.

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bit about the team's workload. So for 2022, the team supported over 256 special events. And so it's a huge workload. So this is, I think, a step in the right direction in terms of being able to better organize and structure our work as it relates to our food, water, food and water. Appendix the food and water appendix is designed to create a comprehensive approach to providing food and water distribution. Ann together, it will be integrated into the newly created mass care branch. We are in the midst of finalizing our mass care branch plans and hiring a mass care branch manager for upon completion, we will have a better understanding of how best to integrate our plans and meet our water and food needs and align those with those of our external partners and organizations. We're going to also, as part of our next steps, we will continue to align our

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we will continue to align our staffing needs and capacity. We want to expand training and drills to improve our response and recovery across the enterprise. We plan to conduct winter weather preparedness reviews with the departments. We also will be adding additional exercises with city departments and our external partners to improve our after action report process. We are taking a programmatic approach. This will standardize the process and create consistency across the enterprise, making it easier to acquire and synthesize our data and also continuing to expand and help build our community preparedness and resilience as well as those of our staff and our teams. And we want to continue to improve our performance by embedding what we have learned during previous

disaster events into our emergency operations plans and dependencies. So moving on to our communications, once the eoc and this is an overview of how

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and this is an overview of how the joint information system center works, once the eoc is activated, the city's communications director activates the joint information center, which serves as the operational arm for public communications and messaging. During the activation, communications executives serve as policy. Communications leads to provide guidance and direction to the lead public information officer for the lead public information officer directs the joint information center, which is staffed on rotation by communication professionals from across the organization, the joint information center is responsible for coordinating and quickly delivering united emergency communications and messaging to the public. All departments are required to go through the joint information center prior to issuing communications related to the emergency activation. The joint information center also serves as the central point or central point of contact for the media communications staff from the

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communications staff from the county also coordinate with and through the joint information center to prepare for the upcoming winter season. We are implementing new citywide emergency communications protocols calls that were issued by the city manager this past June. We have already trained over 100 communications staff on the joint information center procedures. We have pre-identified and started to schedule staff to prepare to serve in the joint information center. When activated. And we're coordinating with the city's language access vendors to assist with translation needs. And we ask to please keep in mind that city staff, when city staff are used to translate, sometimes that comes with its own challenges that include oftentimes some of these members have to respond in different capacities to the events themselves and sometimes they may not be trained for translation. The joint information center coordinates very closely with council, with

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very closely with council, with the council liaison officer who serves as the council's best connection for information during an activation, the council liaison officer serves as a direct line from the eoc emergency operations center to the elected officials. They receive information from the elected officials and shared with the emergency operations center. They coordinate with operations departments, operational department liaison burns, and they review news flashes and policy communication with leads to ensure that things are good to go prior to issuance . Newsflashes are a key way to share updates with council. They are issued by communications and public information staff. They serve as the first and

fastest method for a council wide updates and emergency situations . As emergency situations evolve , they include messaging that we need you to share with your constituents. They are also used to notify you when press

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to notify you when press releases are issued or to connect you with information on this information. Excuse me. This is especially important if media reaches out to you because as news flashes likely provide the information you will need to respond to media inquiries during an activation and depending on the severity of the situation. Ann you can generally expect an update twice a day, once in the morning. And again, at the end of the day. But do not be surprised if you receive more frequent updates as well. Moving on to our city workforce as these 12 focus areas are directly related to supporting city staff who are integral to response efforts. One of the things that we learned during the past few winter storms is that sometimes our staff didn't have the adequate support clothing, for example, to respond during extremely cold weather. These focus areas again ensure employee safety by

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ensure employee safety by monitoring weather conditions through a citywide system that sends out alerts to all employees. They ensure adherence to extreme weather guidelines developed by osha and the national weather service. They utilize the health and safety to ensure that we utilize the health and safety tool and allow calculation of the weather index for our work sites. Supervisors will monitor workers physical conditions and ensure that additional breaks are taken as needed. They also supervisors will also adjust start times or end times as needed to support either earlier starts or later starts to protect our staff and to adjust to whatever the issues might be at a given time. Departments provide appropriate personal protective equipment as applicable to the weather events such as coats or other warm clothing. Lang access to facilities with heat or supplies required to help them drive safely on ice. They also provide

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safely on ice. They also provide comprehensive training and safety training on extreme weather related illness. They provide training on vehicle safety and equipment for driving . They they provide daily communications for both media and personnel and also provide situational reports. They provide education and training on how to manage and understand the cold weather impacts and how to respond to specific issues. They help staff understand how to protect our facilities. And in preparation for 24 hour operate stations, they provide information regarding challenges to create to help create it for personnel or to help personnel excuse me, as they work with their families to make sure their

families are safe during these events. They utilize employees to support other city operations by having staff serve in reassigned capacities to assist with our shelters, ensuring contracts for food and hotels are available if

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hotels are available if employees cannot safely travel home. And we are working to develop an essential worker policy and to standardize across departments what we purchase and buy as clothing resources. Moving on to our utilities and infrastructure. The departments that are listed here, these are groupings that are associated with our response efforts and not how they're typically grouped in their day to day work . But the groups in this grouping are Austin energy, Austin water aviation and our transportation and public works department. And the main issues for these these teams are hardening facilities, training employees to help mitigate tasks and dealing with some of our ongoing issues. Next slide. And what we've done now in preparation is our operational readiness to help pivot and put forth a more robust response. Here is generators are now in place at critical facilities and

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place at critical facilities and we have backup contracts for areas where we do not have generators. We're staging equipment, materials and people ahead of incoming weather purchase additional devices to apply guy or equipment to apply deicing materials, making sure that we have generators at our intersections. And 75 stop signs , set ups for our for our signalized locations. So think in terms here of our dark signal locations during extended power outages. They've also secured additional ppe and are updating prioritized roadways for our critical facilities to help support and make it easier for staff to get to those locations for work. Moving on to logistics report support the these groups ensure that the city maintains and quickly reestablish debris and curbside collection, performs debris removal and

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performs debris removal and processing from culverts and drainage systems to help prevent flooding. They ensure city buildings are operating and safe. They support water distribution, maintain and are operationally and operationally ready fleet. They provide vehicles and equipment from vehicles and equipment, along with technical and logistical support for the receipt and distribution of supplies. Maintain the city's infrastructure and supply chain and rapidly deploy and set up and provide technical support for computers, printers, audio visual equipment and our emergency shelters and command centers. Next slide. Next slide. Moving on to our community capacity and support. The primary focus of these teams during an emergency is on

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during an emergency is on vulnerable populations. This includes the unhoused older adults, medically vulnerable and medically vulnerable populations . These populations typically need the most resources early on , during an event in terms of sheltering warm centers and assistance with the primary needs being food and sometimes medical assistance. Once in recovery mode, the city hosts multi-agency resource centers to communicate available assistance to the public. And in addition to these services, they also share services that would be available for members of our partner groups and non-governmental agencies. As next slide. I think I covered this slide. Next slide. Moving on to our public safety teams, the

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public safety teams, the overarching broad impact for the public safety team were the ability to scale staff to support the events. Training for rarely used equipment and better coordination for shelter security and redundant power. Next slide pivoting one of the operational readiness procedures that we've put in place now are backup generators at designated police stations and portable generators have been identified in are available for fire and ems stations that lose electricity. They've also provided now food and water and also other support facilities, support items for their crews. All fire and ems apparatus have been inventoried and are now all set up with tire chains to help support movement on icy roadways . And they're also issuing boot traction devices for staff to help prevent slips and falls. Next slide for our next steps.

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Next slide for our next steps. As part of our next steps, the transportation and public works department will help cross train watershed protection department so that they can provide support during future events. They are working to prioritize roadway clearing and access to warming centers and cold weather shelters and support. Easier to support, easier access for those in need. They will continue to build better relationships and community groups. Also, we will work to create and improve process and mechanism for our after action reports. This was a huge issue. As I mentioned before, being able to get our information out of our after action reports and use it as a knowledge going forward is a critical piece that we will be focused on. And also working to embed lessons learned from previous events into our current emergency plans and appendices as again, as we start to wrap up , our key takeaways is again our one offs approach, our

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one offs approach, our operational readiness, our council engagement and our community preparedness. How can you help? Please share our preparedness materials and our preparedness guide and encourage our personal and courage, personal preparedness throughout your community to attend our awesome trainings that will be coming to you and during the emergency activations work with your council liaison officer to assist out the community and to communicate out your constituent needs to the emergency operations center. Questions

>> All right, thank you for the presentation. Let's start with council member velasquez.

>> Thank you so much for the presentation. I do appreciate the desire for messaging alignment through the is there going to be one clear on source of info mean like coming directly just from the city so

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directly just from the city so that it's not coming from water and electricity and city communication outlets so that everybody knows that there's one place to go to get the information.

>> Ann I believe that is the goal when I have director king come up.

>> Good morning council jessica king with communications and public information office. So the city of Austin's main account at Austin, Texas, dot gov as well as all of our social media accounts serve as the primary source of information. But we have a long list of followers, as do many other city accounts. So we do try to use that as a multiplier effect, meaning that we encourage Austin energy. If it's an Austin energy related post, to submit their post through their accounts and then we share through our associated accounts. So primarily you're going to see through the course of an activation likely sharing some accounts, homeland security and emergency management, as well as Austin energy accounts, Austin water. But is the primary source of information. >> Okay. So it would have all

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>> Okay. So it would have all the information from the other sites as well.

>> Yes. And keeping in mind, too, that because social is limited in many ways, we will redirect to our alerts account, which is going to have all the information and translate it in multiple languages. Okay

>> Thank you. Can y'all touch a little bit more on the, the, the new essential employee policy that one more time. Councilmember I'm sorry, is essential employee policy that was in in the in the presentation.

>> Yes.

>> So the goal with the essential employee policy is to move employees during an emergency to in the area of need. And so we're currently working on that human resources director is not here, but she was here earlier and that's a project that's under her under her area. But that is the plan is to be able to move employees to the area of need regardless of what they may do day to day during an emergency. We want to reassign people to support whatever the city needs at that time.

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time.

>> Okay. And you'd mentioned that or in the presentation, there were six recreation centers that had redundant power. Do we have that list of the recreation centers that have that we can get that to you? Thank you, sir.

>> Yes, our human resources director has appeared. I don't know if she wanted to add anything to that response.

>> That's what you get for standing up. You end up coming to the microphone. Hi, rebecca kennedy, interim human resources director.

>> We are working on that with two formalize that and we should have some a draft within the next few months.

>> Thank you very much. Yeah

>> Thanks for coming.

>> Thank you. And I'm going to call on council member kelly next. But very briefly, I will need to step away at 1140 and future mayor pro tem leslie pool will be taking the reins at that point. So appreciate you being willing to step in. Have to speak on a panel about vision zero. Also I just wanted to flag since I am stepping away. We had asked staff a while back, I think it was back as far as August about that summer weather preparedness as well. So we'll keep that dialog open because I

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keep that dialog open because I want to make sure this is very timely for now. And the winter weather that's approaching. And I also want to make sure that in a couple of months we have a similar rundown for preparedness for the heat and what our employees go through during during heat related issues. And on that, I will call on council member kelly. Thank you mayor pro tem and thank you director snipes for your work in this important area.

>> I've very much appreciated getting to work with you to help prepare the residents of my district for emergencies. I also want to briefly thank Austin energy and Austin water for coming out to my district

last month to talk about winter weather preparedness at our monthly public safety community conversation. We're going to have another community conversation on public safety on December 6th about opioid overdose and preparedness. And so I want to thank ems for coming out to that. I know you mentioned early on that you are trying to communicate more quickly with the community during a disaster, but I also realize that you have to balance that with getting out accurate information in a timely manner. So I just want to let you know, please don't be so

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you know, please don't be so fast that it's not right. But know that you you'll follow that and then congratulations on improving your staffing and thank you for the countless hours of work that you and your team have done to update our plans. I've reviewed those plans and I really feel like the city of Austin is in a great place right now, especially under your leadership. So please thank your staff.

>> Thank you. We'll do. Let's see.

>> Oh, boy. I'm now the chair at this meeting. Y'all look out. Councilmember fuentes, thank you.

>> And thank you, director snipes for this very comprehensive update. I mean, you covered all of the areas that I know. I was only going to want more information on. So I want to appreciate and just extend my gratitude ed for this incredible presentation. I think it's a wonderful model and I'm just so appreciative of your leadership. You've given me a lot of confidence that our city

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lot of confidence that our city has improved in how we prepare for emergencies and that we're thinking about communications and operations, burns and resiliency. We all of it combined. And so just want to appreciate your leadership before I dive into my questions, one of the questions I have and colleagues I've passed an amendment and I know I've worked on a number of resolutions. I think. Councilmember kelly, you also worked on a cold shelter, emergency shelter resolution at one point. You know what I'm trying to learn more about is that when a disaster strikes, how does ageism and our emergency operations center activate to provide services for the entire county? We you know, I know that we of course, are focused at the city level. But for my district where I have the death valley area, which is half within the city, half within the county, literally the block over is a county line from residents who reside in the city. When think about preparing our community, to me, death valley is an area of interest given the vulnerable city level

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vulnerable city level vulnerability index level that we have. The last update that I got to the resolution that I passed specifically asking for the coordination between the city of Austin and the county for an emergency shelter in the del valley area. Staff is recommending, you know, not, not doing it because of funding, because of not suitable locations to me. Want to push back on that because our del valley school district has already identified that they are willing to participate with the city and the county to provide an area, a shelter for del valley residents. So the first question I want to ask you is when a disaster is declared, how does some operate with our county?

>> Thank you for that question, councilmember, for when a disaster is declared, the homeland security group partners with travis county oem. So we operate as a joint facility. So anything that would come to the city of Austin would also come to the county. And if it's a county specific issue there

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county specific issue there right there with us as our partners and they would take on those issues to include del valley.

>> So what might could we do knowing that when an emergency is happening, a disaster is declared? Or even if a disaster hasn't been declared? But we're in a state of emergency, what can we do to ensure there's no gaps in services for our del valley area residents?

>> If that information is fed into the emergency operations center, we'll have it and we'll react to it. Just as if it were in the city, because again, our county partners are right there with us. In fact, they're their director's office is right beside my office at ktec. And so we have the ability to take in any information, regardless of whether it's in del valley or in the city of Austin, and respond to all those all those items and do so quickly.

>> Yeah, we just ask that, you know, for us to have a proactive approach, you know, knowing that we have partners at the county, that we have partners at the school district who are willing and able knell to, to work with us on ensuring services that we

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us on ensuring services that we have those conversations now, because I would hate for us to have another emergency event. And we're right back to where we were last year and trying to coordinate a makeshift shelter operation. The other question I have is, is can this think if our resiliency officer is here, this is regarding a status update on the resiliency hubs, if we can have an update. Thank you. Director snipes.

>> Thank you, councilmember. So I'll start with giving just a very basic and broad overview of the resilience hubs update to, to date. I do want to preface that we do have a joint subcommittee presentation, Ann, scheduled for December 8th, in which the joint subcommittee will be receiving a

comprehensive briefing on the resilience hubs program and their status. So briefly, I do want to say that we now have

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want to say that we now have expanded to 14 city owned resilience hubs, and they're all across the eastern crescent, including east downtown. And as a reminder, hubs are not separate facilities from the facilities that are already in our communities. They are existing facilities that provide heating and cooling spaces, food and water distribution and some are even able and capable of being shelters for this winter season. All recreational centers and some libraries will be ready to serve as warming centers. The homeland security and emergency management department has developed a cooling center map of these locations. This was developed for the summer. And so it is the intention to create a similar map for warming centers before extreme weather hits such as haam. Recreational centers have also been designated as cold weather shelters to serve specifically the unhoused population, while some other neighborhood health centers are designated as points of

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designated as points of distribution. And so this is an example of how we can utilize the different facilities within a network to build community resilience, specifically in terms of infrastructure upgrades. Six facilities are being updated and all their electrical systems are being updated to be able to plug in backup power generators. And these are slated to be completed by the end of December. These facilities are the George Morales Recreation Center, Gus Garcia Recreation Center, Montopolis Northwest Recreation Center, Parque Zaragoza and Turner Roberts. We've also, in addition to within the resilience hub program released a community resilience hub toolkit for private partners and faith-based organizations to set up their own hubs. This toolkit provides information on facilities that can serve as information centers, food and water distribution centers, cooling

[11:44:39 AM]

distribution centers, cooling and warming centers, and even being able to determine whether some of their facilities can serve as potential shelters, preparedness guides have also been distributed at all the resilience hubs and some additional facilities and this year, the resilience office partnered with the homeland security office to host the Ready to Gather training in Montopolis. There will be training scheduled for next year as well that will take place at resilience hubs as well. And so the next steps for resilience hubs include onboarding the resilience hub program manager, to expand this program as director, Snipes said, these positions are being filled. And so we will be onboarding the resilience hub

manager for us. That's starting in. Early 2024 and we will work with the university of Texas through a partnership that we have to create the online resilience hub platform. This

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resilience hub platform. This will include a series of integrate maps that will have all of the different types of facilities, service pieces that are provided at each facility, and information such as operating hours and what to find at each facility. In addition to I do want to say that additional supplies have been purchased and the 14 resilience hubs have been equipped with these items and so these include items that community has asked for, as well as we've received information from specifically the facilities in terms of what they need and they include diapers, baby formula, blankets, socks, snacks and others to be placed at their resilience hubs, specifically at the health centers. So again, this is just a very brief update. We will get into the details on the December eighth joint subcommittee meeting and we'll be happy to make that comprehensive report available to all of council once it is released. Thank you. >> Thank you. Can I follow up

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>> Thank you. Can I follow up with a question real quick? So just to make sure I understand there are 14 resilience hubs that will be activated during extreme weather, which is separate from the six pilot resilience hubs. The six pilot hubs are included within the 14 and like I mentioned, they all can serve a specific type of service.

>> So the majority of them will be able to serve as warming centers, while some others that have been added to the list will be able to serve as food and water distribution centers or distribution centers for supplies. So depending on the capacity of the actual facility as a network, they will be complementing each other to be able to serve the needs of the community.

>> And the list of the other areas that have been identified. I think you mentioned libraries were included that will be shared out via a map, an online map in advance. Yes. Okay. The other well, I'm very pleased to hear that because I know last

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hear that because I know last time last winter, we had an incident where one, I think the rec center was set up as an emergency overnight shelter. But we had nearby residents who were turned away. And so really, you know, wanting to have both options in the area is good for us. The other question I have is regarding the emergency sheltering for extreme weather conditions overnight. Wright will our

unhoused community be required to go to one centralized location to then be bused to different options? Or how will the intake process registration process for overnight sheltering work?

>> Sure. Do you want to take that or we defer to paige.

>> Can start on that one. Thank you.

>> Good morning. Council members david gray, interim homeless strategy officer for the city of Austin. Councilmember fuentes. The plan as it exists today is for us to have our people experiencing homelessness come to a centralized embarkation center where we will have social

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center where we will have social service providers there to receive them, to welcome them, to assess their condition. And then we'll work with capmetro to move people from the embarkation center to a shelter facility. We are working with the third party provider to explore for providing a shuttle service that will visit encampments in the periphery of the city and in some of our hotspot areas to help people move from the encampment to the embarkation location. We're also working with capmetro in the past, they've been able to help us move people knell to the embarkation center by offering no cost transportation to shelter. So we are exploring different opportunities for us to get people to the embarkation location. But the reason why that's important is it it allows us to logistically manage the shelter bed space. So if we're sending people to a shelter for cold weather overnight Wright, there's a guarantee of a bed there as opposed to having people just show up at any shelter. Luper and then running the risk of us running out of beds and then having to turn

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beds and then having to turn people away, as in the example you referenced earlier.

>> Thank you. Yeah. I'd be interested to hear how that works out and certainly and appreciate the efforts to provide the shuttle services to the embarkation Ann and certainly would want to know like how, how often we're getting close to reaching shelter capacity at these emergency locations. The other question I had final question on my end is I was very pleased to see us roll out the emergency text message service for our unhoused community during the last extreme weather. I think it was extreme heat that we were experiencing at the time. What we've heard from our unhoused communities that many of the phone numbers that the city has access to are no longer in service or they've changed numbers. You know what are some additional strategies that your team is exploring regarding outreach to our unhoused community?

>> Thank you very much. Yes. You're 100% correct. This year we rolled out our emergency text alert system. It's successfully delivered text messages. It's about 3500 members of our

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about 3500 members of our unhoused community. And we did it twice, once for extreme rain that was forecasted. And then the second for the first extreme weather dip. It was like a Sunday to a Monday. And it was successful. So the next phase of that work is figuring out how we maintain an adequate list of phone numbers. As you pointed out, people's phone numbers change all the time for a number of reasons. Either they miss a payment or the service provider changes or they lose their phone or their phone gets taken. And so it's a constant work in progress. Some of the strategies that we're using includes making sure that as we welcome people into our shelters as part of the intake, we are collecting their contact information and then making sure that we receive their permission to add them to the list and also encouraging our shelter clients that as they go back out into the community and they engage with others who are unhoused, that they help us notify people about this system and make sure that their information is being shared with the city. I will

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shared with the city. I will share. It is a work in progress and we're one of the first cities embarking on this venture. We've had a few other cities reach out to us actually and ask us about the text alert system and how we got that set up. And so this is an area where we're committed to continuous improvement to make sure that we get that early warning out to our unhoused population and make sure that they have a place to be in the event of a weather related emergency.

>> Good deal. Thank you.

>> Thank you. Councilmember fuentes, councilmember allison alter, thank you.

>> I appreciate the presentation and all the work and the new energy that you have brought to this role. I have several questions. Having been through several of these disasters of late. First, we added staff in I think it was June of 2022 for some through a mid-year budget amendment. And then I think we added more staff perhaps in that budget and yet by January of 23 that staff was not in place. After mario, when we asked questions in the spring that

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questions in the spring that staff was not in place yet. What is the status of ageism staffing at this point?

>> So right now all of our positions are either hired or in process or we're in the process of onboarding staff. So we've we've closed the gap on all of those. Some of the reasons that some of them have taken a bit longer than others include sometimes people not clearing the background check. We we've gone through the process, the entire hiring process. And then the top candidate either doesn't make it. The second candidate falls off. And we've had to restart the process. And sometimes there are long lead

times before our new candidates are available to start work for example, we may have people that because of the type of work that they're doing, there's a pretty long tail before they can transition out from their current work employer and over to us. But right now we have all of our positions either filled or in process of hiring.

>> How many of them are in process rather than filled?

>> I can get that number to you. I want to say maybe about four.

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I want to say maybe about four. If I had to guess off the top of my head.

>> Okay. Thank you. If you could get that, that would be great. And in the storm after action report, it indicated there was something like \$45 million in estimates for FEMA reimbursements. Now, was that just for the city for the storm water for storm mara? Mara in the report that you recently released, it said there were \$45 million in FEMA estimates and think 39 million of that was verified or, or maybe it was 51 and 45 was verified. So what is the status?

>> I don't have that number on the top of my head.

>> But I do remember from the winter storm, mara work that that 45 to 48 million is what I think we were initially approved for. But I can follow up on that question as well.

>> Okay. And more broadly, I would really like to understand and how we're tracking the FEMA reimbursements because we still

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reimbursements because we still have uri reimbursements that are not back yet. We have covid reimbursements that are not back yet, and it is a considerable amount of money at this point.

>> And even before that, we have working with the federal government, as you know, can sometimes be a lengthy process.

>> But we have reimbursements on the books that date back to 2013. Okay and this is just sometimes the long tail that is required to complete the process for some of those events.

>> So think you're coming to our audit and finance to do a look back at the storm. Uri after action report at our next meeting, the audit that was done, I think it was after storm uri. If as part of that presentation you could also include a slide about our outstanding FEMA reimbursements by disaster and when we would be expecting those to come in, to the extent that that's feasible and if it's not feasible for the next meeting, we can do that. Sure. Early in the next year, that would be great. Do we need

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that would be great. Do we need any mid-year budget updates for ageism in terms of staffing or funding in order to be able to implement the vision that was laid out today?

>> Not at this time. We're in the process of reviewing and working to align our staffing needs and our other needs as well across the across the office. So not at this time, but we are taking a look at that.

>> Okay.

>> One of the areas you did not, you know, you know, reading through the storm murray report burt mario report, there was a lot of deja vu from prior, situations. And, you know, part of the reason you were tasked with relooking at the learnings and trying to move us in a, in a stronger direction was we had poor communication with elected officials. We had, communications that were not handled well when we didn't have access to all of the channels, we had slow translate Ann. We had people who didn't know their roles. We had frustration with public facing maps, poor coordination across departments, some of that you you touched on

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some of that you you touched on one area that you didn't touch on. I don't think was the interface with the elderly. So can you speak a little bit about what we're doing to really connect with those who are most vulnerable, ill and with our elderly in particular?

>> Yeah, we're doing work to understand who and where they are. We've talked quite a bit recently about how we might take advantage of some of the lists that are available in our communities or available available in our city system. Austin energy has a list for medically vulnerable Austin resource recovery has a list for people who are homebound and can't get their carts to the curb. So we're talking about how we might use some of those lists to understand where some of these people might be and also doing work with some of our other other cities across the nation to understand how they're tackling this. This issue as well. Recently talked with folks from Los Angeles related to fire evacuations on specifically how they reach out to and connect

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they reach out to and connect with elderly members or people who have mobility issues and are unable to evacuate. Evacuate on their own. And what we're looking to do there is take some of those lessons learned and incorporate them into our plans going forward.

>> Thank you. And just want to be clear that with the elderly, there's multiple aspects. There's the elderly who are living at home. But then we have our assisted living centers as well, where during various ones of these disasters, there were never any clear lists of those centers. There were not necessarily clear connections between ageism and those centers for them to know how they could plug in and get assistance or help if they needed backup generators, etcetera. Some of that did shift a little bit with mara, but I would want to make sure that we have a system, for addressing those facilities. I have a number of those facilities in my district and want to make sure that we have some clear plans for working with those centers. So I'd like to see that be part of it. With the, the storm mara report,

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the, the storm mara report, there were 78 recommendations just for heesom plus there were Austin energy recs, plus there were rr recs. What is the timeline for implementation and how is that being checked back with with, you know, you said you were going to have a better system for tracking the recommendations and we had the problems we had because we didn't actually make sure we were getting those recommendations followed up on. So what is the timeline for implementing that and have we mapped how those recommendations burns map back to prior reports at all?

>> Not yet. We're in the process of still continuing to gather that information when I mentioned earlier that we're taking a programmatic approach to how we manage after action reports, what I meant by that is what we're starting to do is, is build a body of work that we would assign to a person and this would be this person's sole responsible entity is to track those. What we've noticed in the

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those. What we've noticed in the past is that from storm to storm or event to event, items get lost. And so what we're looking to do is put together a program and a plan in place to make that something that stays in the forefront of what we're doing, something that gets considered in our budgets going forward and something that doesn't get lost because we get consumed with new emergencies or other things or other priorities that are going on. So right now, the best way to do that, I believe, is to create a programmatic approach and not just have those after action reports kind of sit on a website somewhere and not be actively managed. Thank you.

>> And as I mentioned earlier, we're doing a look back at one of the audits that was done, which is being done through the audit and finance committee. But it may be that we need a regular attention and the public safety committee or it could be audit and finance to make sure that we're really having some eyes on this and transparency on on these recommendations, because we don't want a repeat of what happened in the past. Okay. Let me see. The storm mara review

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me see. The storm mario review you didn't really mention a whole lot about Austin water. Didn't mention much about part or. H. So are there other departments that are doing after action reports with respect tomorrow or these events where this is being tracked as well? It just we have we have things that are heesom relates did that are you know it seems like you're tracking but then you know there were a lot of issues that happened with pard and the extent of the tree damage in the parks. You know, how are we, how are we making sure that we are making improvements in those areas or, you know, there may be other things with that. I'm not aware of.

>> I can I can talk to that a little bit. What I can tell you is that the nature of mario is a little bit different in terms of its impact. Mostly being around tree damage and the tree canopy issues and things like that. So

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issues and things like that. So it wasn't as comprehensive in terms of impacting all of the departments across the city in the way that yuri did. So I think because it was a different storm, the pros, the lessons learned were different and not as impactful for some departments. And therefore, when the review was done, it just didn't pull as many issues in from some of those departments.

>> Susie miss mcneely is here. If she wants to add something. So kymberley mcneely serving as the parks and recreation director to answer your questions specifically about the parks and recreation department.

>> Yes, we completed our own after action report and as a result of that, on December 11th, the parks and recreation department is hosting its own internal training and tabletop exercise to go through. So we are simulating what heesom has does for the entire city. We're simulating it specifically for the parks and recreation department. So we can take those lessons learned and then

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lessons learned and then practice it with our department through tabletop. So I'm sure my experience is very similar to the things that are happening in other departments departments, although I can't speak to their exact actions.

>> Thank you.

>> Sure. Councilmember think can can confirm that each department will be doing their own after does their own action after action reports and will continue to do so. And we'll coordinate those through to hasten.

>> And so how will we know that those recommendations are being implemented and those changes are being made and that the resources are being provided and the budget to address the needs?

>> So, councilmember, as said, what we're working to do is build a programmatic approach where we take all of those, all of those after action report items in and they're managed, they're managed by a person whose sole responsibility it is to make sure that those things don't fall off. What I envision going forward is as issues are resolved and going back to your question earlier about mario, when will we start a lot of

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when will we start a lot of those items have already been addressed. Staff have been kind of going at some of those things already. But what we want to be able to do is create that approach where as items come off of the list, other items will enter the list, right? And we want to have a continuous process for managing our after action reports going forward. Again, as a as a programmatic approach.

>> And we can incorporate that as we report to council. Our goal is to have a many conversations with council, whether it's an audit and finance, whether it's before the entire body and then as I initially had said, we'll be meeting with your offices as well, one on one. So happy to incorporate that in our in our updates to you.

>> Thank you. And then just have two other quick ones for Austin energy, there was a emphasis placed on the number of additional folks who were added for emergency preparedness. There was no mention for Austin water, so maybe it's actually for Austin water, not Austin energy. You know how many personnel does Austin water have devoted to emergency response. And that may or may not be the

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And that may or may not be the right question. It's just they were very much touting Austin energy, having specific numbers of additional folks. I was wondering how that worked for Austin water.

>> Good morning. Council members . Shea roalson Austin water director. We have a fully staffed roster for our incident management team that is about 180 staff members who have identified roles within our incident management team. Should we activate our departmental departmental operations center that does not include our various operational field crews that are on call all the time. And so we would deploy those staff, those crews as needed as well during emergency operations .

>> Thank you. And then the last part had to do with the preparedness packets. Director snipes so prior to you coming on , we were working with director ortiz about identifying places in west Austin for those packets . Obviously, as we heard before, all of the resilience hubs are

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all of the resilience hubs are in the east side of the city at this point in the process of developing those and we have not had the loop closed on whether that space was secured in district ten. But then more broadly, we can you tell us which of these packets are placed west of mopac?

>> Not yet. We haven't secured a place in district ten. Our approach right now is more regional. So northwest, northeast, southwest, southeast. And I think what we plan to do going forward is we'll continue to look for locations that are ideal for deploying or redeploying these assets out into the community. The mission ready packages. So we haven't found a location yet. We've been a little busy with trying to get ourselves ready for, you know, what we're dealing with right now. But it certainly hasn't left my mind. And off the list.

>> Okay, maybe we can close the loop on that because I think we had a place that wanted to do it. And I just wanted to make sure that that wasn't dropped from the process. And you know, I also like to know what is

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I also like to know what is there west of mopac which reach out. Answer so thank you.

>> And just generally as I'll I'll close this briefing thing this morning on actually somebody else have something. Yes please. Okay. Yes, ma'am. Thank you. Appreciate Madison well, this will be my first time asking you these questions, but.

>> But just some of the things that we've learned along the way during the various incidents that we've experienced. One of them I'm conflicted about. So I wanted to ask, are we offering so something that came up for us during the course of winter storm uri, for example, was, you know, folks didn't have access to chargers, so they didn't have access to their devices. But having had access to things like refrigerator magnets or something that would have been able to offer information that wasn't digital, it's something that comes to mind for me as I wonder if we if we have access to those tools, if we have

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to those tools, if we have access to those materials. But then the me being conflicted comes in where, you know, I attended the tree lighting alongside some of my colleagues over the course of the weekend and like so many other events that the city hosts, I always noticed that we have our swag bags. Now while I can appreciate that at the time my kids loving you know, they love getting those bags, but I'm the one who's putting them in the goodwill bin at the end of the year because we just have all this stuff, you know? And so we just accumulate all this stuff. So as you're accumulating all this stuff, one of the things that especially now that I'm on this side of the curtain, I can't help but wonder in terms of the

application of our resources, how many of our resources are being applied to buying more stuff that doesn't actually help people. So I'm both presenting, you know, that challenge. Paige we do need to get the information out, and I do want people to have something handheld if possible, and I want people to have things that they're able to use to figure out how to best access our resources. Aces, especially in the case of an emergency, but

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the case of an emergency, but simultaneously, I'm concerned about the production of more stuff. You know, just over consumption that wasn't a question so much as expressing concern burns about, you know, access, but also concerns about stuff creating Ann something else that came up for us throughout the course of the various situations. So guess storms, fires and, and you probably recall that mount carmel was without natural gas for months. And so food became an issue in all of those situations in terms of, you know, emergency response. I want to have some conversations. I hope, rather, that we have some conversation around the issue of food distribution. And so because it has been bless you, has been a serious problem when it comes to the city's emergency response. And when we lose power and then the groceries go bad, when for hours and hours, especially for those who have no other food source to heat or

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other food source to heat or freeze food that is dependent on electricity. I have questions regarding that issue. So what are city staff's current swint evaluations in terms of opting to address food insecurity during winter emergency situations?

>> Well, one one of the things that we've done is talked quite a bit about and share with people that we've met with, with ways that they can prepare for winter weather.

>> And we've started to have conversation around how they can . The term that has been used is stock their pantries. And as we know that sometimes everyone% can't do that. And so we've had conversations around how we do that or what types of foods are affordable that people could use in an event. So we've talked about like, you know, bags of rice. We've talked about, you know, beans and we've talked about staples of dry goods that last that are nonperishable items, canned goods and things like that. So we're having those conversations in our communities about what types of things

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about what types of things people can do to make sure that during an emergency, while you may not have your normal, you know, three, four course meal, you're able to have something to eat that ties you

over until the power comes back on or until the weather subsides and you're able to get back out and back, back into the community. So we are having those conversations as we go out and as we engage at our at our monthly pop up meetings that we're doing across the city as we go to various events and support of other city departments, we're also in the community engaging with folks and passing out our information as well and also sharing emergency kits with with with people that we engage with as well. And I do want to say that, to your point, and I think it's a great point, one of the things that the team did prior to building the kits was engaged with people to see what they would want in a kit. What types of things are most impactful? What types of things would you want or would you need during an

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want or would you need during an emergency? And so while we can't provide a kit for every single person in the entire city, I think the kits serve as a base model for helping people understand what they might want to have in their own kits as they build those out in their homes.

>> I appreciate that and I appreciate the consideration. Ann I just wonder if, I don't wonder. I fear rather, that there isn't enough. I mean, when we think about the basic physiological needs Wright, shelter, food, water, I think food isn't high enough on the list of considerations. Burns when we're talking about disaster prep action and preparedness and resilience. S I really would like to see it way higher up there, both anecdotally having watched some of the food issues that happen, so much waste. So so much waste. I mean, coolers across the city, giant walk in coolers were throwing food away. We didn't have mechanisms in place to repurpose that food restaurant that, you know, they already recognized that they were operating at a loss. You know, they were like, I don't care if I give the food away. But at this point, you know, they had

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this point, you know, they had they were beholden to their obligations around food safety. And security. They knew after, you know, a certain amount of time, it wasn't safe to gift the food. But we didn't have anything in place for these giant walk in coolers for people to just say, take it all and do something with it. And so I really do wish that we had taken the opportunity and recognizing throughout the course of those various emergencies that we needed to have a system already in place before winter. 23. But moving forward, my hope is I know the we talked about getting update around the resilience hubs and protocol and procedure with resilience, but I hope that that's something we're giving a lot of thought to, including you know, I hate to be at what I call a what if or but what about but if you don't have electricity and your stove is electric, it doesn't matter if you have 9 pounds of rice, you can't cook it. So, you know, just making sure that we're taking all the things into consideration. Ann around food. So I also like to know I really

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So I also like to know I really appreciate that councilmember alter brought up budget considerations. Two things come, two things come to mind there. There have been some overlap around staffing. So incentives for staffing, for addressing some of these inclement weather. The things is that something we need to consider during our budget considerations, not just the staffing, but incentives that costs money. So thinking about that and then what else do we need to be doing from a budget, from a budgetary perspective around the food stuff specifically, and, and do we have a budget for purchasing food, for distribution to warming centers? Another anecdotal example I'll give you there is I was going around my neighborhood taking pictures of y'all probably remember there were those plastic bins. The bottom parts black. The top part is clear plastic. And we were, you know, distributing food, pre-prepared, prepackaged meals that we were getting through the

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that we were getting through the various organizations who do them for us. I was taking pictures of them. Just discard it in the street, in the park. You know, somebody would take one bite and decide they didn't like it and throw it into the street. But I'd see, you know, places that only had 12 people check in for the whole day, but they got delivered 300 pre-prepared meals that sat on a table with nobody monitoring how warm or how cold or, you know, there was just it was I'd be offering us, compliments. We don't deserve by calling it sloppy. It was irresponsible. So the food was being wasted. And then in our efforts around band aid, we were wasting even more and then wasted some more. And so I have a lot of concern burns around our considerations around food during the course of these emergencies. I'd also like to know, and these aren't questions you have to answer now, but just things I'd like for us to be able to respond to moving forward. Are there contracts in place that allow our city to quickly acquire food for

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quickly acquire food for distribution? That's a question. And again, of course, I have an example. Anecdotally, one of the things that we were doing were asking people to run around and scramble and get it done. And then hessam, you know, as much as they tried, they were saying, just get it done, we'll pay you later. And then for literally almost a year after words, people were still trying to get reimbursed first by the city because they hadn't been approved as you know, by our procurement processes. So they didn't get paid. So they were coming out of pocket and their desire to help us and, you know, their communities and they operated at a loss because of us, because we didn't have systems in place. But when we needed help, we were begging them to help us. I want to make sure we never find ourselves in that position ever again. And then lastly, around food, the protocols that ensure that the food being

distributed is held at safe temperatures and that we're following all the required food handling protocols that are required by environmental mental health department. I want to

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health department. I want to make sure that we have tactics in place that ensure that the food that we distribute is appropriate for a variety of dietary and what hadn't considered I mean, it's one of those things we take for granted. You assume if you're hungry, you'll eat what you got. But there are a lot of cultural considerations around food. And so folks would be provided food that they couldn't eat. So just all those things around food are of deep concern for me. And then I'll sort of leave that with this. So I think for what it's worth, we, we are fortunate in that. So many and this may not even be for you. I think this might be more of a resilience question. Ann so from a resilience perspective, we had all these mutual aid organizations and community led organizations and operations trying their best to help us out, trying their best to be productive in the community. And, you know, for lack of a better word, it was redundant.

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better word, it was redundant. And mean. We ultimately wasted a lot of time, a lot of people's time, a lot of people's resources with them trying to help. But, you know, the efforts were duplicative. And, you know, we already had systems in place, but because they couldn't see it in action, they assumed they needed to recreate and were recreate things. And I just my hope is that we do have a much better path forward. And again, I don't think this is for you. I think this is for our folks who work around resilience. How are we going to work with our community led organizations, operations initiatives and mutual aid organizations? Burns moving forward to make sure that mean we really maximize the benefit of their time, their effort, their resources, and how they operate in conjunction with ours and not, you know, sort of step on top of one another throughout the course of us all, just trying to address the same need.

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need.

>> Thank you so much, councilmember harper-madison. And that that pretty much encapsulates the work that director snipes and our resilience officer and our entire staff have been funneling toward these issues for the better part of this year. Certainly and building on our experiences, some of them are pretty difficult and moving forward to try to be comprehend massive in our responses and I very much appreciate staff's work today to provide this briefing to us on our winter weather readiness. There being no additional questions on this briefing. I'd like to move us toward. Thank you, director snipes. I'd like to

move us toward our pulled items, if I may. We have two pulled items as item 21 was pulled by council member alison alter. Item 84 was pulled by council member ryan alter. Council member ryan alter

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alter. Council member ryan alter asked 84 to be pulled for discussion based on concerns from constituents related to the slaughter creek trail, which is segments 27, 28 and 29. As you noted, that council member ryan alter can't be here today, but I understand hand and he's asked me to mention this for everybody to know. He is working on an amendment to address those concerns as and that staff specifically director mendoza is aware of and supportive. I see a nodded head thank you and supportive of the amendment. So we will hopefully see. Council member ryan alter on Thursday and he will be bringing his amendment. Does anybody have any questions on that particular item? If not, we'll move right over to item 21. Pulled by councilmember allison alter. Councilmember alter, thank you. >> So item 21 is the central

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>> So item 21 is the central maintenance facility swap with Oracle for the walkes site and the creation of a new on other city property. I had pulled this because one of my concerns burns has to do with the insurances that we have that we actually get the kind and the quality of central maintenance yard facilities that we need in the new location. The information we have to date doesn't have that. So I guess I'll ask Ms. Olivares or whoever's the appropriate person to speak to how in this process we are going to ensure that we are getting, the quality of, of the maintenance yard that we need. I noticed that we just got sent exhibit a where, where much of that is detailed. And since we've been on the dais, I haven't been able to review that. So I think maybe I'll ask you to speak briefly to that today. And I may pull it if I have further questions on on

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have further questions on on Thursday.

>> Sorry.

>> I'm sorry I ran over here. Kim olivares, deputy cfo. So I'll also ask if erica lopez from law can join me up here to speak to some of this. So as part of the negotiations with Oracle on this land swap, there's been extensive negotiations with regard to what the replacement facility would contain in terms of square footage, various features and the sort the there's an exhibit and an ordinance attached to the item that I believe I believe the exhibit has been posted yet the exhibit has not yet been posted that will

provide more detail about certain specification on the facility. But the we're also requiring or have required permits for Oracle to follow all applicable

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to follow all applicable regulations and policies and the sort for the facility. So it there they have to follow very specific process with us. Are you talking excuse me, are you talking about exhibit a for this site?

>> Yes, we do have that.

>> It has. Okay. Yes. Okay

>> And so y'all may be able to find that and look at it while Ms. Olivares is discussing this.

>> And the throughout the entire process. Well, there will be city staff that are very diligently monitoring the design and the actual construction Ann of the replacement facility to make sure that it conforms to the specifications that will be agreed upon between us and Oracle, but also just to do our own due diligence to ensure the quality of the replacement facility to be provided at and was that all the questions you had? I'm sorry.

>> Yeah, I'll need to review that. I have other questions as well. But, but okay, so, another

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well. But, but okay, so, another area of concern of mine is the definition of waterfront land. So in the q&a, asked for a map of the property we were being offered, showing where it is providing us waterfront access and asked how many linear feet of waterfront land the proposal would add to our portfolio.

>> I don't have the exact linear feet calculation Ann available at this time, so I'm just I'm not able to respond to that question.

>> Okay. So I would like I would like the answer to that. When I look at the map that was provided, it appears to me that this land that we're being offered would add exactly zero linear feet of waterfront land because none of this land is waterfront. It is all separated from the water by land already owned by the city. Is that accurate?

>> I think we have a legal memo and I see that our assistant city attorney, Ms. Lopez, is here. And she did write specifically about the adjacent see staff. Could you Ms. Lopez, could you respond to this

[12:25:18 PM]

could you respond to this question? Ann from council member alison alter.

>> Hi, erika lopez assistant city attorney. There is a finding in the ordinance that says in part one, subsection seven, that says that the city council determines the land is waterfront because it fronts a adjoining lake and a perennial stream which was the north, the walnut creek stream.

>> It's a lake now mean it was a pond before mean sorry I misspoke it was a pond. Okay so I understand that we can declare this whatever we want, but just you know, I continue to feel like this is misleading to the public, who we promised that we were getting 40 some plus acres of waterfront land that was adjacent to parkland. And this is waterfront because it's on on a pond. So think it's important to do that. I do have several other questions, but I think it'd be more useful for me to review the material and exhibit

[12:26:19 PM]

review the material and exhibit a and come back to this, on Thursday or to try to connect earlier if, if that seems, more approachable. But but I do have several other, other questions, but I think, it probably is better if I wait on that.

>> All right. Any other questions? I will commend the legal memo to everyone to read what our staff has prepared for us. It's really helpful in explaining the adjacency and the , I guess the legal circumstances surrounding that. There being no other issues in front of us city attorney are we done for the day? All right. Well then I will call our meeting.

>> Mayor pro tem, please.

>> Yes.

>> Quick. And it's not about the agenda. I just wanted to take the opportunity to remind everybody it is giving Tuesday and hope. We all dig deep and. And remember that as we're

[12:27:21 PM]

And remember that as we're closing out the year and as we are approaching inclement weather conditions, that there are a lot of organizations that work real hard all year long and are looking for our support. Thank you. Great

>> Thanks so much. At 1227, we are adjourned. Thank you all for being here today. See you Thursday.